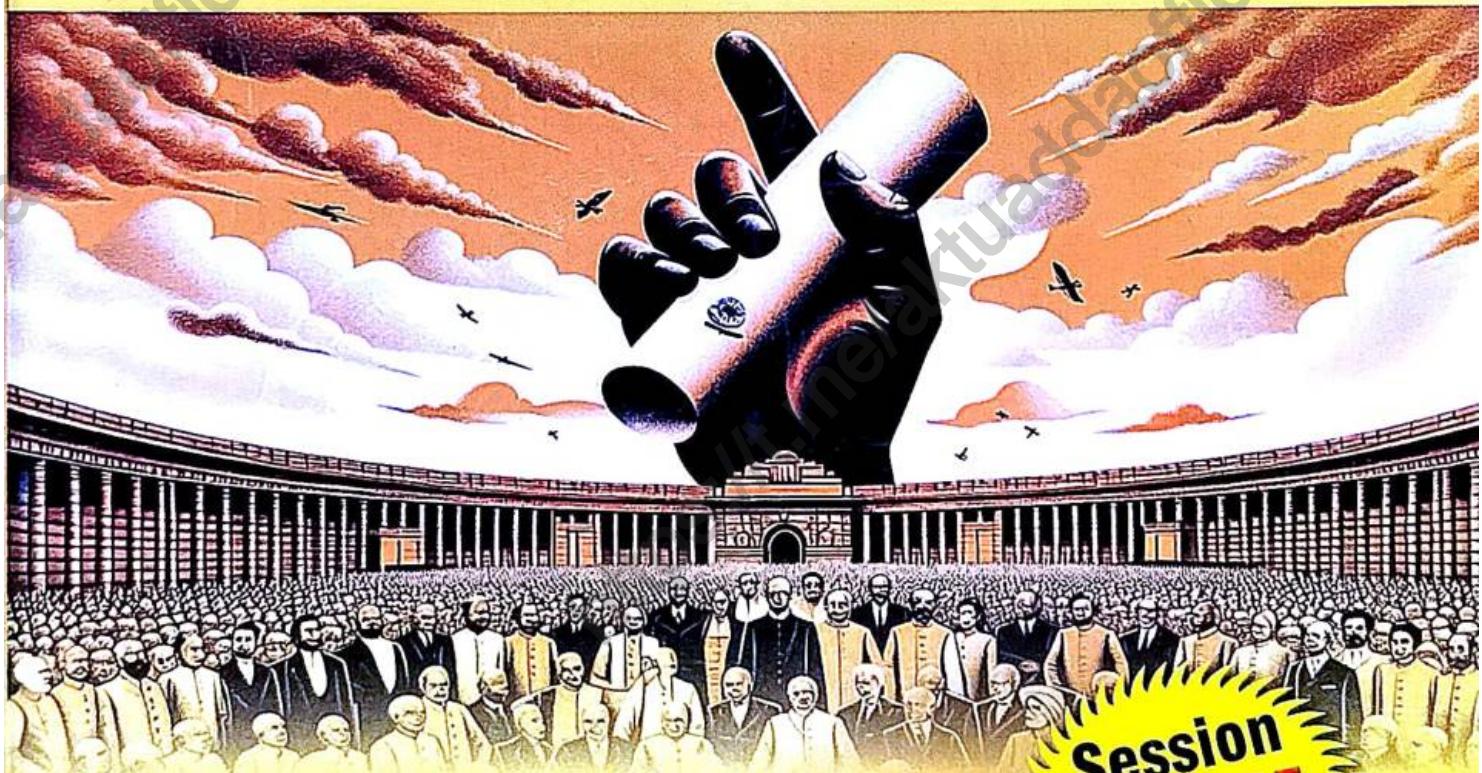


# QUANTUM Series

Sem - 5 & 6

Common Non Credit Course

## Constitution of India



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## सजग सुचना

छात्रों, डीलरों, दुकानदारों, कॉपीरियर्स और जिनसे यह संबंधित हो सकता है क्वांटम पुस्तकों के कॉपीराइट उल्लंघन के संबंध में दिल्ली के माननीय उच्च न्यायालय का आदेश

यह छात्रों, डीलरों, दुकानदारों, कॉपीरियर्स और आम जनता को सूचित करना है कि क्वांटम पेज प्राइवेट लिमिटेड पुस्तकों की क्वांटम श्रृंखला में कॉपीराइट का मालिक है।

क्वांटम पुस्तकों (चाहे सॉफ्ट कॉपी या हार्ड कॉपी में) की कोई भी अनधिकृत प्रतिलिपि, स्कैनिंग, पुनरुत्पादन, वितरण या संचलन, क्वांटम पेज प्राइवेट लिमिटेड के कॉपीराइट और ट्रेडमार्क अधिकारों के उल्लंघन के बराबर है, जो दिवानी अपराध के साथ-साथ दांडिक अपराध है, जिनकी सजा कारावास तक है।

क्वांटम पेज प्राइवेट लिमिटेड ने दिल्ली के माननीय उच्च न्यायालय के समक्ष क्वांटम पुस्तकों के उल्लंघनकर्ताओं के खिलाफ क्वांटम पेज प्राइवेट लिमिटेड बनाम टेलीग्राम एफजेड एलएलसी और अन्य, सीएस (कॉम) ९२१/२०२२ नामक एक मुकदमा शुरू किया है। 23 दिसंबर, 2022 के अपने आदेश में, माननीय उच्च न्यायालय ने माना है कि क्वांटम पुस्तकों का अनधिकृत पुनरुत्पादन कॉपीराइट उल्लंघन के बराबर है और टेलीग्राम चैनलों सहित विभिन्न स्रोतों से क्वांटम पुस्तकों की उल्लंघनकारी प्रतियों को हटाने का निर्देश दिया है।

छात्रों, डीलरों, दुकानदारों, कॉपीयरों और आम जनता को एतद्वारा आगाह किया जाता है कि वे क्वांटम पुस्तकों (चाहे सॉफ्ट कॉपी या हार्ड कॉपी में) की कोई भी अनधिकृत नकल, स्कैनिंग, पुनरुत्पादन, वितरण और वितरण न करें।

क्वांटम पुस्तकों के ऐसे किसी भी अनधिकृत उपयोग से उल्लंघनकर्ताओं पर क्वांटम पेज प्राइवेट लिमिटेड द्वारा दीवानी और आपराधिक कार्यवाही शुरू की जाएगी।

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**1-1 P (NCC-Sem-5 & 6)**

**PART - 1**

*Meaning of the Constitution Law and Constitutionalism, Historical Background of the Constituent Assembly.*

**Que 1.1.** What is a constitution ?

**Answer**

1. A constitution is primarily a set of rules and principles specifying how a country should be governed, how power is distributed and controlled, and what rights citizens possess.
2. A constitution is a set of fundamental legal-political rules that :
  - i. Are binding on everyone in the state, including ordinary lawmaking institutions;
  - ii. Concern the structure and operation of the institutions of government, political principles and the rights of citizens;
  - iii. Are based on wide spread public legitimacy;
  - iv. Are harder to change than ordinary laws (e.g. a two-thirds majority vote or a referendum is needed);
  - v. As a minimum, meet the internationally recognized criteria for a democratic system in terms of representation and human rights.

**Que 1.2.** What are the functions of a constitution ?

OR

Evaluate the functions of constitution.

**AKTU 2020-21 (Sem-5), Marks 10**

**Answer**

1. Constitutions can declare and define the boundaries of the political community
2. Constitutions can declare and define the nature and authority of the political community.
3. Constitutions can express the identity and values of a national community.
4. Constitutions can declare and define the rights and duties of citizens.
5. Constitutions can establish and regulate the political institutions of the community- defining the various institutions of government; prescribing their composition, powers and functions; and regulating the relations between them.

6. Constitutions can divide or share power between different layers of government or sub-state communities.

**Que 1.3.** Define constitutionalism. Write elements of constitutionalism.

**Answer**

**A. Constitutionalism :**

1. Constitutionalism is the idea that government power should be limited and guided by a constitution or set of laws.
2. It ensures that those in power cannot act beyond the laws and must respect citizen's rights.
3. Constitutionalism promotes a fair and just government by enforcing accountability and protecting individual freedoms within a legal framework.

**B. Elements of constitutionalism :**

1. Written Constitution
2. Independent Judiciary
3. Judicial Review
4. Rule of Law
5. Separation of Powers
6. Free and Fair Elections
7. Responsible Government
8. Fundamental Rights
9. Federalism
10. Decentralisation of powers.

**Que 1.4.** Write a short note on historical background of the constituent assembly.

**AKTU 2023-24 (Sem-5), Marks 05**

OR  
Mention about the Historical Background of the Indian Constituent Assembly.

**AKTU 2021-22 (Sem-6), Marks 10**

**Answer**

1. The Constituent Assembly of India was set up to draft the Indian Constitution.
2. Its formation began with the demand for self-rule during British rule.
3. In 1940, the British government proposed an idea for Indian representatives to frame a constitution.

4. Later, the Cabinet Mission Plan of 1946 laid the framework for a Constituent Assembly.
5. The Assembly was elected by the Provincial Legislative Assemblies, with members representing various regions and communities.
6. Dr. Rajendra Prasad was elected as its President, while Dr. B.R. Ambedkar chaired the Drafting Committee.
7. The Assembly first met on 9th December 1946, when India was still under British rule.
8. After India gained independence on 15th August 1947, the Assembly continued its work.
9. It took almost three years, holding 11 sessions, to draft the Constitution, which was completed on 26th November 1949.
10. On 26th January 1950, India adopted it, becoming a republic.

**Que 1.5.** Discuss the formation of constituent assembly.

AKTU 2021-22 (Sem-5), Marks 10

AKTU 2022-23 (Sem-5), Marks 10

AKTU 2023-24 (Sem-5), Marks 05

**Answer**

1. The Indian Constituent Assembly was formed to draft a Constitution for independent India, as proposed by the British Cabinet Mission Plan in 1946.
2. Members were not directly elected; instead, they were chosen by elected members of the Provincial Legislative Assemblies.
3. Initially, the Assembly had 389 members, representing provinces and princely states, with seats allotted based on population and community.
4. After India's partition in 1947, the Assembly's membership was reduced to 299.
5. Prominent leaders in the Assembly included Dr. Rajendra Prasad, Jawaharlal Nehru, Sardar Patel, and Dr. B.R. Ambedkar.
6. Dr. Rajendra Prasad served as the Assembly's President, and Dr. B.R. Ambedkar chaired the Drafting Committee.
7. The Assembly held its first session on 9th December 1946 and held 11 sessions in total to discuss and finalize the Constitution.
8. The Constitution was completed on 26th November 1949 and was officially adopted on 26th January 1950, marking the birth of the Republic of India.

**Que 1.6.** What are the functions of constituent assembly ?

**Answer**

**Functions of the constituent assembly :**

1. Framing the Constitution.
2. Enacting laws and involved in the decision making process.
3. It adopted the National flag on July 22, 1947.
4. It accepted and approved India's membership of the British Commonwealth in May 1949.
5. It elected Dr. Rajendra Prasad as the first President of India on January 24, 1950.
6. It adopted the National anthem on January 24, 1950.
7. It adopted the National song on January 24, 1950.

**Que 1.7.** On what grounds the constituent assembly was criticized ?

**Answer**

The grounds on which the Constituent Assembly was criticized were as follows :

1. **Not a Popular body :** Critics argued that the members of the Constituent Assembly were not directly elected by the people of India.
2. **Not a Sovereign body :** The critics stated that the Constituent Assembly was not a sovereign body as it was not created by the people of India. It was created by the proposals of the British rulers by executive action before India's independence and its composition was determined by them.
3. **Time consuming :** The critics maintained that the time taken to prepare the Constitution was too much in comparison to other nations.
4. **Dominated by Congress :** The critics continued to argue that the Congress in the Constituent Assembly was quite dominating and imposed its thinking on the people of the country through the Constitution drafted by it.
5. **Dominated by one community :** According to some critics, the Constituent Assembly lacked religious heterogeneity and was dominated by the Hindus.
6. **Dominated by Lawyers :** Critics also argued that the Constitution became bulky and cumbersome due to dominance of lawyers in the Constituent Assembly. They have made the language of the Constitution difficult for a layman to understand.

**Que 1.8.** Explain in brief Objective Resolution.

**Answer**

1. The Objective Resolution was a key proposal introduced by Pandit Jawaharlal Nehru on 13th December 1946 in the Indian Constituent Assembly.
2. This resolution outlined the fundamental goals and values that the future Indian Constitution would uphold.
3. It aimed to define India's ideals of freedom, justice, and equality for all its citizens.
4. The resolution declared that India would be an independent, sovereign republic, free from British rule.
5. It stated that the government would be formed by elected representatives, ensuring democracy.
6. It also emphasized social, economic, and political justice for all, aiming to create an equal and fair society.
7. This resolution later became the guiding principle of the Indian Constitution and inspired the Preamble.
8. It was passed on 22nd January 1947, laying the foundation for the values of democracy, equality, and liberty that continue to guide India today.

**Que 1.9.** Write a short note on Drafting Committee.

**Answer**

1. Among all the committees of the Constituent Assembly, the most significant was the Drafting Committee set up on August 29, 1947.
2. It was this committee that was entrusted with the task of preparing a draft of the new Constitution. It consisted of seven members. They were :
  - i. Dr. B.R. Ambedkar (Chairman)
  - ii. N. Gopalswami Ayyangar
  - iii. Alladi Krishnaswami Ayyar
  - iv. K.M. Munshi
  - v. Mohammed Sadullah
  - vi. B.L. Mittar (replaced by N. Madhav Rao)
  - vii. D.P. Khaitan (who died in 1948 and was replaced by T.T. Krishnamachari)
3. The Drafting Committee, after taking into consideration the proposals of the various committees, prepared the first draft of the Constitution of India, which was published in February 1948.

4. The people of India were given 8 months to discuss the draft and propose amendments.
5. In the light of the public comments, criticisms and suggestions, the Drafting Committee prepared a second draft, which was published in October 1948.

**PART-2**

*Government of India Act of 1935 and Indian Independence Act of 1947, Enforcement of the Constitution, Indian Constitution and Its Salient Features.*

**Que 1.10.** Examine the Government of India Act, 1935.

**AKTU 2020-21 (Sem-5), Marks 10**

**AKTU 2022-23 (Sem-6), Marks 10**

**Answer**

1. The Government of India Act, 1935, was an important law passed by the British Parliament to reform India's governance.
2. It aimed to give Indian provinces more power and allow more Indian participation in administration.
3. Key features of the Act included establishing an All-India Federation, which would include both British provinces and princely states.
4. However, this federation never became fully operational because some princely states didn't join.
5. The Act also introduced a system of provincial autonomy, giving provinces more control over their affairs, such as education and health, without British interference.
6. For the first time, the Act expanded the electorate, allowing more Indians to vote and participate in elections.
7. Despite these changes, the Act kept the Governor-General with significant power over defense, foreign affairs, and important decisions.
8. Although it didn't grant full independence, the 1935 Act influenced the structure and features of India's future Constitution.

**Que 1.11.** Write the features of government of India Act 1935.

**AKTU 2023-24 (Sem-6), Marks 05**

**Answer**

Main features of government of India Act 1935 were :

1. **All-India federation** : It proposed a federation that included British provinces and princely states. However, this federation never fully took shape, as many princely states chose not to join.
2. **Provincial autonomy** : Provinces received more independence to govern themselves, especially in areas like health, education, and agriculture. Governors still had power, but provinces had more say in their affairs.
3. **Bicameral legislatures** : The Act introduced two houses (bicameral system) in some provincial legislatures, making law-making more structured in provinces.
4. **Expansion of the franchise** : More Indians were allowed to vote, expanding the electorate significantly. This allowed greater Indian participation in the administration.
5. **Reserved powers for the Governor-General** : The Governor-General retained control over critical areas like defense, foreign affairs, and major administrative decisions.

**Que 1.12. Examine Indian Independence Act 1947.**

**AKTU 2021-22 (Sem-5), Marks 10**

OR

Describe Indian Independence Act 1947.

**AKTU 2022-23 (Sem-5), Marks 10**

**Answer**

1. The Indian Independence Act of 1947 was a law passed by the British Parliament that granted independence to India, ending British rule after nearly 200 years.
2. The Act was based on the plan proposed by Lord Mountbatten, the last Viceroy of India, to divide British India into two independent nations—India and Pakistan.
3. The Act stated that British India would be split into two separate countries: India, largely for Hindus, and Pakistan, largely for Muslims.
4. It declared that British authority would end on 15th August 1947, and both countries would be free to create their own laws and govern themselves.
5. Each nation had the right to draft its own constitution.
6. The Act also transferred power to two new dominions, with the Governor-General serving as the representative of the British monarchy in each country until they became republics.

7. The Act dissolved British control over princely states, allowing them to join either India or Pakistan or remain independent.
8. This historic Act marked the birth of independent India and Pakistan, finally ending British colonial rule in the Indian subcontinent.

**Que 1.13. Explain salient features of Indian Independence Act of 1947.****Answer**

Following are the salient features of Indian Independence Act of 1947 :

1. **Division of British India** : The Act divided British India into two countries—India and Pakistan—based on religious majorities, with India largely for Hindus and Pakistan for Muslims.
2. **End of British control** : The Act ended British authority in India, making 15th August 1947 the official date of independence for both nations.
3. **Two new dominions** : India and Pakistan became independent dominions under the British Commonwealth, meaning they were self-governing but still recognized the British monarch temporarily until they became republics.
4. **Power to make laws** : Both countries gained the right to make their own laws, and the British Parliament could no longer interfere.
5. **Freedom for princely states** : The princely states under British control were now free to join either India or Pakistan or remain independent.
6. **Governor-General's role** : Each dominion had a Governor-General as the British monarch's representative until they transitioned to a republic.

**Que 1.14. Discuss in brief about the Government of India Act of 1935 and Indian Independent Act of 1947.**

**AKTU 2021-22 (Sem-6), Marks 10**

**Answer**

**Government of India Act of 1935** : Refer Q. 1.11, Page 1-7P, Unit-1.  
**Indian Independent Act of 1947** : Refer Q. 1.12, Page 1-8P, Unit-1.

**Que 1.15. Describe in detail about Enforcement of the Constitution.****Answer**

1. The Constitution of India came into force on 26 January, 1950. On that day, the Assembly ceased to exist, transforming itself into the Provisional Parliament of India until a new Parliament was constituted in 1952.

**1-10 P (NCC-Sem-5 & 6) Basic Information about Indian Constitution**

2. The date of 26th January was chosen to commemorate the historical day as on this day in 1930 that Purna Swaraj day was celebrated and the tricolour flag of Indian independence was unfurled following the resolution of the Lahore Session (December 1929) of the Indian National Congress.
3. Some provisions of the Constitution pertaining to citizenship, elections, provisional parliament, temporary and transitional provisions came into force on November 26, 1949 itself.
4. The remaining provisions (the major part) of the Constitution came into force on January 26, 1950. This day is referred to in the Constitution as the 'date of its commencement' and celebrated as the Republic Day.
5. With the commencement of the Constitution, the Indian Independence Act of 1947 and the Government of India Act of 1935, with all enactments amending or supplementing the latter Act, were repealed. The Abolition of Privy Council Jurisdiction Act (1949) was however continued.

**Que 1.16.** Discuss the salient features of Constitution.

**AKTU 2021-22 (Sem-5), Marks 10**

**OR**

Describe the salient feature of an Indian Constitution.

**AKTU 2023-24 (Sem-6), Marks 05**

**OR**

Give the salient features of Indian Constitution.

**AKTU 2023-24 (Sem-6), Marks 10**

**Answer**

Following are the salient features of Indian Constitution :

1. **Sovereign, socialist, secular, and democratic republic :** It ensures India's complete freedom to make its own decisions, social equality, religious freedom, and democracy for all.
2. **Federal structure with a strong centre :** India has both central and state governments, but the Centre holds more power in case of conflicts.
3. **Parliamentary system :** It follows a parliamentary system where the government is elected by the people and is responsible to the Parliament.
4. **Fundamental rights and duties :** Citizens are granted basic rights like freedom, equality, and justice, along with duties they should follow.
5. **Directive principles :** These are guidelines for the government to promote social and economic welfare.
6. **Amendments :** The Constitution is flexible, allowing amendments to adapt with time.

**Constitution of India**

**1-11 P (NCC-Sem-5 & 6)**

**PART-3**

*The Preamble of the Constitution, Fundamental Rights, Fundamental Duties, Directive Principles of State Policy, Parliamentary System, Federal System, Centre-State Relations.*

**Que 1.17.** What is a Preamble ? Explain the Preamble of the Indian Constitution.

**Answer**

A. **Definition :** A Preamble is the introductory part of a constitution or legal document. It outlines the guiding principles, purpose, and goals of the document. In the Indian Constitution, the Preamble reflects the vision and values of the country, setting the foundation for the rights and duties of citizens.

B. **Preamble of the Indian Constitution :**

1. **Source of power :** The Indian Preamble begins with "We, the people of India," showing that the Constitution's authority comes from the people.
2. **India's nature :** It describes India as a Sovereign, Socialist, Secular, and Democratic Republic.
  - i. **Sovereign :** India is independent.
  - ii. **Socialist :** It promotes social equality.
  - iii. **Secular :** It respects all religions equally.
  - iv. **Democratic Republic :** The people elect their leaders.
3. **Core values :**
  - i. **Justice :** Ensuring social, economic, and political fairness.
  - ii. **Liberty :** Guaranteeing freedom of thought and expression.
  - iii. **Equality :** Providing equal opportunities for all citizens.
  - iv. **Fraternity :** Fostering unity and integrity among citizens.
4. **Guiding role :** The Preamble is a vision for India's Constitution, focusing on freedom, equality, and harmony among citizens.

**Que 1.18.** What are the Fundamental Rights ? List the Fundamental Rights of Indian Constitution.

**Answer**

A. **Fundamental rights :**

1. Fundamental rights are the basic human rights enshrined in the Constitution of India which are guaranteed to all citizens.

**1-12 P (NCC-Sem-5 & 6) Basic Information about Indian Constitution**

2. They are applied without discrimination on the basis of race, religion, gender, etc.
  3. Also, fundamental rights are enforceable by the courts, subject to certain conditions.
  4. These rights are called fundamental rights because of two reasons :
    - i. They are enshrined in the Constitution which guarantees them.
    - ii. They are enforceable by courts. In case of a violation, a person can approach a court of law.
- B. Fundamental Rights of Indian Constitution :** There are six fundamental rights of Indian Constitution which are mentioned below :
1. Right to Equality
  2. Right to Freedom
  3. Right against Exploitation
  4. Right to Freedom of Religion
  5. Cultural and Educational Rights
  6. Right to Constitutional Remedies

**Que 1.19.** Briefly describe the six fundamental rights of Indian Constitution.

**Answer**

**A. Right to Equality :**

1. The constitutional articles related to right to equality are mentioned in Articles 14 - 18.
2. It guarantees equal rights for everyone, irrespective of religion, gender, caste, race or place of birth.
3. It ensures equal employment opportunities in the government and insures against discrimination by the State in matters of employment on the basis of caste, religion, etc.
4. It also includes the abolition of titles as well as untouchability.

**B. Right to Freedom :**

1. The constitutional articles related to right to freedom are mentioned in Articles 19 - 22.
2. Freedom is the most important ideals of any democratic society. The Indian Constitution guarantees freedom to citizens.
3. The freedom right includes many rights such as :
  - i. Freedom of speech
  - ii. Freedom of expression
  - iii. Freedom of assembly without arms

**Constitution of India**

**1-13 P (NCC-Sem-5 & 6)**

- iv. Freedom of association
  - v. Freedom to practice any profession
  - vi. Freedom to reside in any part of the country
4. Some of these rights are subject to certain conditions of state security, public morality, etc.
  5. The State also has the right to impose reasonable restrictions on them.
- C. Right against exploitation :**
1. The constitutional articles related to right against exploitation are mentioned in Articles 23 - 24.
  2. This right implies the prohibition of traffic in human beings, beggar, and other forms of forced labour.
  3. It also implies the prohibition of children in factories, etc.
  4. The Constitution prohibits the employment of children less than 14 years in hazardous conditions.
- D. Right to Freedom of Religion :**
1. The constitutional articles related to right to freedom of religion are mentioned in Articles 25 - 28.
  2. Every person has the right to freely practice his or her faith, establish and maintain religious and charitable institutions.
  3. This indicates the secular nature of Indian polity. There is equal respect given to all religions.
  4. There is freedom of conscience, profession, practice and propagation of religion. The State has no official religion.
- E. Cultural and Educational Rights :**
1. The constitutional articles related to cultural and educational rights are mentioned in Articles 29 - 30.
  2. These rights protect the rights of religious, cultural and linguistic minorities, by facilitating them to preserve their heritage and culture.
  3. Educational rights are for ensuring education for everyone without any discrimination.
- F. Right to Constitutional Remedies :**
1. The constitutional articles related to right to constitutional remedies are mentioned in Articles 32.
  2. The Constitution guarantees remedies if citizens fundamental rights are violated.
  3. The government cannot infringe upon or curb anyone's rights.
  4. When these rights are violated, the aggrieved party can approach the courts.

**Que 1.20.** What are the fundamental rights ? Explain them in detail.

**AKTU 2022-23 (Sem-6), Marks 10**

**Answer**

Fundamental rights : Refer Q. 1.18, Page 1-11P, Unit-1.

Detailed description : Refer Q. 1.19, Page 1- 12P, Unit-1.

**Que 1.21.** Discuss about the Preamble of the Indian Constitution and defined Fundamental Rights.

**AKTU 2021-22 (Sem-6), Marks 10**

**AKTU 2023-24 (Sem-5), Marks 05**

**Answer**

Preamble of the Indian Constitution : Refer Q. 1.17, Page 1-11P, Unit-1.

Defined Fundamental Rights : Refer Q. 1.18, Page 1-11P, Unit-1.

**Que 1.22.** What are the features of Fundamental Rights ? Also give importance of Fundamental Rights.

**Answer**

**A. Features of Fundamental Rights :**

1. **Universal** : Fundamental Rights are available to all citizens of India, ensuring equality and fairness for everyone.
2. **Justiciable** : Citizens can go to court if these rights are violated, allowing legal protection of these rights.
3. **Reasonable restrictions** : Some restrictions can be applied to these rights in situations affecting national security, public order, or morality.
4. **Protective of minorities** : Some rights ensure minorities can preserve their culture, language, and education.
5. **Dynamic** : Fundamental Rights can be amended by the Constitution, keeping them relevant with changing times.

**B. Importance of Fundamental Rights :**

1. **Protection of individual freedoms** : Ensures dignity and respect for every citizen.
2. **Equality before the law** : Prevents discrimination based on religion, race, caste, gender, or birthplace.

3. **Promotion of social justice** : Guarantees fair treatment and equality for all citizens.
4. **Religious freedom** : Allows people to practice and propagate their religion freely.
5. **Protection against exploitation** : Prevents forced labor, human trafficking, and child labor.
6. **Empowerment of minorities** : Assures cultural and educational rights to preserve their heritage.
7. **Right to legal remedy** : Citizens can seek justice through courts if rights are violated.
8. **Strengthens democracy** : Supports free expression, association, and participation in democracy.

**Que 1.23.** Write a short note on: Fundamental Duties.

**Answer**

**A. Fundamental Duties :**

1. Fundamental Duties are a set of responsibilities given to Indian citizens by the Constitution to promote a sense of discipline and commitment toward the nation.
2. They were added in 1976 through the 42nd Amendment.
3. Though not legally enforceable, Fundamental Duties guide citizens to act responsibly.
4. They complement Fundamental Rights by balancing them with duties.
5. By following these duties, citizens contribute to a harmonious, progressive, and united society.
6. There are 11 Fundamental Duties listed in Article 51A of the Indian Constitution.

**B. The 11 Fundamental Duties are :**

1. Respect the Constitution, national flag, and national anthem.
2. Cherish the ideals of the freedom struggle.
3. Uphold and protect India's sovereignty, unity, and integrity.
4. Defend the country and render national service when required.
5. Promote harmony and brotherhood among all citizens.
6. Preserve India's rich heritage and culture.
7. Protect and improve the natural environment.
8. Develop a scientific temper, humanism, and the spirit of inquiry.
9. Safeguard public property and avoid violence.

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10. Strive for excellence in all personal and collective activities.
11. Provide education to children between 6-14 years (for parents/guardians).

**Que 1.24. Explain the Fundamental Rights and Duties.**

**AKTU 2021-22 (Sem-5), Marks 10**

**AKTU 2023-24 (Sem-5), Marks 05**

**Answer**

Fundamental rights : Refer Q. 1.18, Page 1-11P, Unit-1.

Fundamental duties : Refer Q. 1.23, Page 1-15P, Unit-1.

**Que 1.25. What do you understand by Directive Principles of State Policy ?**

**Answer**

1. The Directive Principles of State Policy are guidelines in the Indian Constitution for the government to create a fair and just society.
2. They are listed in Part IV of the Constitution and aim to promote social, economic, and political welfare for all citizens.
3. Though they are not legally enforceable these principles guide the government in making laws and policies.
4. The Directive Principles focus on areas like providing adequate living conditions, promoting equal pay for equal work, ensuring access to education, and working towards reducing income inequality.
5. They also emphasize protecting the environment, promoting village-level self-governance (Panchayati Raj), and securing the right to work, education, and public assistance in times of need.
6. These principles are inspired by the idea of a welfare state, where the government takes steps to improve the well-being of its people.
7. The Directive Principles complement Fundamental Rights, aiming to create an inclusive society.

**Que 1.26. Describe parliamentary system of government in India and enlist its features.**

**Answer**

**A. Parliamentary system of government in India :**

1. In India, the parliamentary system of government is based on the British model.

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2. This system emphasizes the role of Parliament in governing the country.
3. The parliament is generally supreme and the executive is responsible to the legislature.
4. The President is the ceremonial head, while the Prime Minister and the Council of Ministers hold real executive power.

**B. Features of the parliamentary system :**

1. **Collective responsibility** : The Council of Ministers, led by the Prime Minister, is collectively responsible to the Parliament, especially the Lok Sabha.
2. **Bicameral legislature** : The Indian Parliament has two houses—Lok Sabha and Rajya Sabha.
3. **Head of State and Head of Government** : The President is the ceremonial head, while the Prime Minister is the head of government with executive powers.
4. **Majority rule** : The ruling party or coalition must have a majority in the Lok Sabha to form the government.
5. **Dual membership** : Members of the executive (Ministers) are also members of the legislature.
6. **Leadership of the Prime Minister** : The Prime Minister is the leader of the government, coordinating policies and decisions.
7. **Dissolution of Lok Sabha** : The Lok Sabha can be dissolved, leading to general elections.

**Que 1.27. What are the merits and demerits of parliamentary system ?**

**Answer**

**A. Merits of the Parliamentary System :**

1. **Accountability** : The government is accountable to the Parliament, ensuring transparency and reducing misuse of power.
2. **Collective decision-making** : Decisions are made by the entire Cabinet, encouraging diverse perspectives and collaboration.
3. **Flexible leadership** : The Prime Minister can be replaced if they lose majority support, ensuring that only popular leaders remain.
4. **Quick decision-making** : With the executive and legislative branches working closely, decisions can be made and implemented faster.
5. **Prevents absolute power** : Power is spread across the Cabinet, preventing any one person from gaining too much control.

**B. Demerits of the Parliamentary System :**

1. **Political instability :** If no party has a majority, coalition governments may form, which can be unstable.
2. **Lack of continuity :** Frequent changes in government can disrupt long-term policies and planning.
3. **Influence of party politics :** Decisions can be overly influenced by party politics, sometimes ignoring public interest.
4. **Dominance of executive :** The ruling party's control over Parliament can weaken checks and balances.
5. **Less direct choice of leader :** The public votes for members of Parliament, not directly for the Prime Minister.

**Que 1.28. What do you mean by federal system ?**

**Answer**

1. A federal system is a type of government where power is shared between a central authority and smaller regional governments.
2. In India, this means power is divided between the central (national) government and the state governments.
3. Each level has its own areas of authority, as defined by the Constitution.
4. In a federal system, both the central and regional governments can make laws, but on different subjects.
5. For example, the central government handles national defense and foreign affairs, while state governments focus on local issues like health and education.
6. This system allows for greater local self-governance, as states can address the specific needs of their people.
7. At the same time, the central government can make decisions for the entire country, ensuring unity.
8. A federal system promotes cooperation and balance between national and regional needs.
9. It also prevents any single level of government from having absolute power.

**Que 1.29. Indian constitution is a federal constitution with unitary features. Discuss.**

AKTU 2023-24 (Sem-6), Marks 05

**Answer**

1. The Indian Constitution establishes a federal system with unitary features, meaning it combines elements of both federalism and central control.

2. In a federal system, power is divided between the central and state governments, each with their own areas of authority.
3. However, the Indian Constitution gives more strength to the central government to maintain national unity and respond to emergencies.
4. India has features like a division of powers between the central and state governments, with separate subjects (lists) for each to make laws.
5. But, in cases of national importance or emergencies, the central government can overrule states and take control, showcasing its unitary aspect.
6. For example, during a national emergency, the central government can control state matters and even suspend some state powers.
7. This system is designed to handle India's diversity and size while ensuring strong national unity.
8. Thus, India's Constitution is federal with unitary characteristics, allowing flexibility and centralized control when necessary.

**Que 1.30. Comment on Centre-State Relations.**

**Answer**

1. Centre-State relations in India are based on the federal structure outlined in the Indian Constitution, which divides powers and responsibilities between the central government (Centre) and individual state governments.
2. These relations are categorized into three types :
  - i. **Legislative relation :** In legislative relations, the Constitution has three lists – Union, State, and Concurrent – to guide which laws the Centre or states can make. The Centre holds more power over the Union and Concurrent Lists, giving it an upper hand in important areas like defense and foreign affairs.
  - ii. **Administrative relation :** It involves the distribution of power for implementing laws. The Centre can give directions to states in certain situations, like during emergencies, giving it more control in crises.
  - iii. **Financial relation :** It focuses on the division of tax revenues. While the Centre collects most taxes, it shares funds with states based on recommendations by the Finance Commission.
3. Overall, Centre-State relations aim for cooperation but often have tensions.
4. States demand more autonomy, while the Centre seeks unity.
5. This balance is essential for India's federal system to function smoothly.

**PART-4**

*Amendment of the Constitutional Powers and Procedure, the Historical Perspectives of the Constitutional Amendments in India, Emergency Provisions : National Emergency, President Rule, Financial Emergency, and Local Self Government - Constitutional Scheme in India.*

**Que 1.31.** What do you understand by amendment of the constitutional powers? Also explain Article 368.

**Answer****A. Amendment of the constitutional powers :**

1. An amendment of constitutional powers means making changes or additions to the Constitution.
2. These changes can be small, like clarifying certain rules, or significant, like adding new rights or responsibilities for the government or citizens.
3. In India, amendments are necessary to adapt the Constitution to new challenges and keep it relevant.

**B. Article 368 :**

1. Article 368 of the Indian Constitution gives Parliament the power to amend the Constitution.
2. It outlines the process for making changes and divides amendments into two types.
3. Some amendments need only a simple majority in Parliament, while others need a special majority, meaning a larger portion of members must agree.
4. For more important changes, like altering federal relations or changing certain fundamental rights, the amendment must also be approved by at least half of the state legislatures.
5. Article 368 ensures flexibility in the Constitution but protects its core principles, like democracy, by making it harder to change essential parts.
6. This balance allows India's Constitution to evolve without losing its fundamental values.

**Que 1.32.** Describe the procedure of amendments of the constitution of India under Article 368.

**Answer**

Following is the procedure for amending the Indian Constitution under Article 368 :

1. **Introduction of the Bill :** A Constitutional Amendment Bill can be introduced in either Lok Sabha or Rajya Sabha by any member of Parliament.
2. **Special majority requirement :** The bill must be passed in each house by a special majority – two-thirds of the members present and voting, and over 50% of the total house membership.
3. **State ratification (for certain amendments) :** Amendments that affect federal structure, like changes to state powers or boundaries, require approval from at least half of the state legislatures.
4. **Presidential assent :** After both houses and, if needed, the states approve, the bill is sent to the President of India, who must give their assent.
5. **Amendment becomes law :** Once the President signs, the amendment become part of the Constitution.

**Que 1.33.** What are the different types of constitutional amendments in India?

**Answer**

In India, constitutional amendments are divided into three main types based on the level of approval needed :

1. **Simple majority amendments :** These amendments only need a simple majority in Parliament, meaning more than half of the members present and voting. These changes usually involve minor matters, like adjusting the number of seats in Parliament or changing schedules in the Constitution. They don't require special approval and are relatively easier to pass.
2. **Special majority amendments :** For most significant changes, a special majority is required. This means the amendment must be approved by at least two-thirds of the members present and voting, along with a majority of the total membership in each house of Parliament. This type is used for important changes, such as modifying fundamental rights or altering parliamentary powers.
3. **Special majority with state ratification :** Some amendments, especially those affecting the federal structure, need approval from both Parliament (special majority) and at least half of the state legislatures. This ensures that both the Centre and states agree on crucial changes, like altering state powers or boundaries.

**Que 1.34.** What are the different types of emergencies in the Indian Constitution ?

OR

Describe Presidents rule.

**AKTU 2022-23 (Sem-5), Marks 10****Answer**

The Indian Constitution provides for three types of emergencies to deal with serious situations that may threaten the country :

i. **National Emergency :**

1. National Emergency in India is declared under Article 352 when there is a threat to the country due to war, external aggression, or armed rebellion.
2. During this time, the central government gains extra powers to manage the situation effectively.
3. Fundamental rights, like the freedom of speech and right to life, may be restricted to ensure national security.
4. The emergency can apply to the whole country or just specific areas.
5. Parliament's powers increase and the states lose some authority temporarily.
6. This emergency aims to protect the nation by allowing strong and unified action in critical times.

ii. **State Emergency (President's Rule) :**

1. State Emergency, also known as President's Rule, occurs when a state government cannot function as per the Constitution's rules.
2. Declared under Article 356, it usually happens if there is political instability, a breakdown of law and order, or if the state government fails to follow constitutional requirements.
3. During President's Rule, the state government is temporarily suspended, and the central government takes direct control.
4. The state assembly may be dissolved or kept inactive, and the Governor, on behalf of the Centre, manages the state's administration.
5. This emergency ensures stability when a state government cannot perform its duties properly.

iii. **Financial Emergency :**

1. Financial Emergency in India is declared under Article 360 when the country's financial stability is at serious risk.
2. During this emergency, the central government gains special powers to manage finances and restore stability.

3. It can direct states to reduce their expenses, control financial decisions, and even lower the salaries of government employees, including judges.
4. This emergency has never been used in India but exists to handle severe economic crises.
5. The goal of a Financial Emergency is to protect the economy and ensure the government has enough resources to manage essential services and support the country during tough times.

**Que 1.35.** What is the Local self-government system in India ?

**AKTU 2022-23 (Sem-6), Marks 10****Answer**

1. The local self-government system in India is a way for local communities to govern themselves through elected representatives.
2. It is based on the idea that people at the local level know their needs best and can make decisions to improve their area.
3. There are two main types of local self-governments in India :
  - i. **Panchayati Raj :** This system manages villages and small towns. It has three levels – Gram Panchayat (village), Panchayat Samiti (block), and Zila Parishad (district). Elected representatives at each level handle local development, such as building roads, improving water supply, and managing schools.
  - ii. **Municipalities :** These govern cities and towns. Municipal Corporations manage large cities, while Municipal Councils look after smaller towns. They provide services like sanitation, water supply, street lighting, and more.
4. The 73rd and 74th Constitutional Amendments made local self-government stronger by giving more powers to Panchayats and Municipalities.
5. This system promotes democracy at the grassroots level, helping communities develop and participate in decision-making.

**Que 1.36.** Write a short note on: Constitutional Scheme in India.

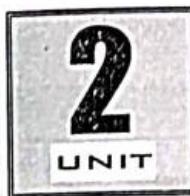
**Answer**

1. The constitutional scheme in India is a framework that organizes how the government functions and outlines the rights and duties of citizens.
2. India's Constitution, adopted in 1950, sets up a democratic system where power is shared between the central (national) government and state governments.

3. This structure is called a "federal system" but with a strong central government.
4. The Constitution has three main parts of government: the Legislature (law-making), the Executive (law-implementing), and the Judiciary (law-interpreting).
5. It also defines fundamental rights, like freedom of speech and equality, which protect citizen's rights.
6. Additionally, it includes Directive Principles, which guide the government to create policies for social welfare.
7. India's Constitution is flexible, allowing for amendments to adapt to changing needs.
8. This constitutional scheme balances unity and diversity, ensuring the country remains united while allowing each state to manage its local affairs.

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## Union Executive and State Executive

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**PART - 1*****Powers of Indian Parliament, Functions of Rajya Sabha, Functions of Lok Sabha.***

**Que 2.1.** What are the powers of Indian Parliament ?

**Answer**

- i. All the legislative powers of the Indian federal Government are vested in the Parliament.
- ii. The laws framed by the Indian Parliament are enforced in the whole of the country.
- iii. Its powers can be classified in to following heads :
  1. **Legislative powers :** All the subjects in our constitution are divided among state, union and concurrent lists. In concurrent list Parliamentary law is over riding than state legislative law.
  2. **Executive powers :** According to parliamentary form of government executive is responsible to the parliament for its acts and policies. Hence parliament exercises control by various measures like committees, question hour, zero hour etc.
  3. **Financial powers :** It includes enactment of budget, scrutinizing the performance of government with respect of financial spending through financial committees (post budgetary control).
  4. **Constituent powers :** To amend the constitution, to pass any laws required, etc.
  5. **Judicial powers :** It includes :
    - i. Impeachment of President for violation of constitution.
    - ii. Removal of judges of Supreme Court and High court.
    - iii. Removal of Vice-President.
    - iv. Punish members for breach of privileges like sitting in the house when the member knows he is not an eligible member, serving as member before taking oath etc.
  6. **Electoral powers :** It has its participation in the election of President and Vice-President. The members of Lok Sabha elect speaker and deputy speaker from among its members. Similarly members of Rajya Sabha elect deputy chairman.
  7. **Other powers :** It includes :
    - i. To discuss various issues of national and international importance.
    - ii. Imposing emergency.

- iii. Increase or decrease area, change names, alter the boundary of the states.
- iv. Create or abolish state legislature, etc.

**Que 2.2.** Write a short note on Rajya Sabha (Council of States).

**Answer**

1. The Rajya Sabha (Council of States) is the Upper House of our Parliament.
2. It consists of not more than 250 Members, out of which, 238 Members represent the States and Union Territories and 12 Members are nominated by the President from amongst the persons having special knowledge and practical experience in respect of such matters as literature, science, art and social service.
3. At present, the actual strength of Rajya Sabha is 245.
4. A permanent body, Rajya Sabha is not subject to dissolution. However, one-third of its Members retire biennially.
5. A Member who is elected for a full term retains his membership for six years. He is eligible for re-election.
6. A Member elected/nominated to a casual vacancy serves for the remainder term only.
7. Members of Rajya Sabha are elected by the elected members of the State Legislative Assemblies in accordance with the system of proportional representation by means of the single transferable vote.

**Que 2.3.** What are the functions of the Rajya Sabha ?

**Answer**

Following are the functions of the Rajya Sabha :

1. **Law-making :** Rajya Sabha participates in making laws. A bill must be passed by both Rajya Sabha and Lok Sabha to become a law, except for money bills, which mainly require Lok Sabha approval.
2. **Review and revision :** It reviews and debates bills passed by the Lok Sabha, providing a second look at proposed laws to ensure thorough discussion.
3. **Representing states :** Rajya Sabha represents the states of India, giving each state a voice in national matters and protecting their interests.
4. **Checks on Lok Sabha :** While Lok Sabha has more power in financial matters, Rajya Sabha can delay money bills and discuss them, offering suggestions.

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5. **Role in constitutional amendments :** Rajya Sabha participates in amending the Constitution, needing a two-thirds majority to pass an amendment bill.
6. **Emergency powers :** Rajya Sabha can approve the declaration of a national emergency and has special powers in matters concerning states.
7. **Questioning government actions :** Members of Rajya Sabha question government actions, helping maintain accountability.

**Que 2.4.** Write a short note on Lok Sabha (House of the People).

#### Answer

1. Lok Sabha is composed of representatives of the people chosen by direct election on the basis of the adult suffrage.
2. The maximum strength of the House envisaged by the Constitution is 552.
3. This is made up by election of upto 530 members to represent the States, upto 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.
4. The total elective membership is distributed among the States in such a way that the ratio between the number of seats allotted to each State and the population of the State is the same for all States.
5. The Lok Sabha, unless sooner dissolved, continues to operate for five years from the date appointed for its first meeting.

**Que 2.5.** What are the functions of the Lok Sabha ?

OR

Write a short note on Functions of Lok Sabha.

AKTU 2021-22 (Semi-6), Marks 10

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#### Answer

Following are the functions of the Lok Sabha :

1. **Law-making :** Lok Sabha is the primary house for making laws. A bill is usually introduced here and, once passed, it goes to Rajya Sabha for further consideration.
2. **Control over finance :** Lok Sabha has more control over financial matters. Money bills, like the budget, can only be introduced here, and the Rajya Sabha cannot reject them. This gives Lok Sabha significant financial power.

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3. **Government accountability :** Lok Sabha keeps the government in check. Members can question ministers, discuss policies, and vote on issues, ensuring government actions are held accountable.
4. **Electing the Prime Minister :** The Prime Minister is usually a member of Lok Sabha and must have majority support in this house. This makes Lok Sabha essential in forming the government.
5. **Debate on national issues :** Lok Sabha is a platform for discussing and debating important issues affecting the country, allowing representatives to voice the public's concerns.
6. **Amending the constitution :** Lok Sabha plays a role in constitutional amendments, requiring a two-thirds majority to pass such bills.

**Que 2.6.** What is the difference between Lok Sabha and Rajya Sabha ?

#### Answer

| S.No. | Lok Sabha  | Rajya Sabha  |
|-------|--|--|
| 1.    | Lok Sabha is also known as House of the People.                          | Rajya Sabha is also known as Council of States.                |
| 2.    | The tenure of Lok Sabha continues for 5 years, except dissolved earlier. | Rajya Sabha is a Permanent body.                               |
| 3.    | The Speaker heads the Lok Sabha.   | Vice President of India heads the Rajya Sabha.                 |
| 4.    | 25 years is the minimum age to become a member of Lok Sabha.             | 30 years is the minimum age to become a member of Rajya Sabha. |
| 5.    | Strength of Lok Sabha is 552 members.                                    | Strength of Rajya Sabha is 250 members.                        |

### PART-2

*Powers and Functions of the President, Comparison of Powers of Indian President with the United States, Powers and Functions of the Prime Minister.*

2-6 P (NCC-Sem-5 & 6)

### Union Executive & State Executive

**Que 2.7.** Explain the powers and functions of Indian President.

**AKTU 2021-22 (Sem-5), Marks 10**

OR

Write down a short note on Power and Functions of the President under Indian Constitution.

**AKTU 2021-22 (Sem-6), Marks 10**

OR

Discuss the constitutional powers and functions of the President of India.

**AKTU 2023-24 (Sem-6), Marks 05**

#### Answer

Following are the powers and functions of the President of India :

##### 1. Executive Powers:

- The President appoints the Prime Minister and other Union ministers.
- He or she appoints governors of states, judges of the Supreme Court and High Courts, and key officials like the Attorney General and Chief Election Commissioner.

##### 2. Legislative Powers:

- The President can summon and prorogue (end) sessions of Parliament and can also dissolve the Lok Sabha.
- He or she can address Parliament and has the power to send messages on legislative matters.
- The President can issue ordinances (temporary laws) when Parliament is not in session.

##### 3. Financial Powers:

- Money bills, like the budget, require the President's approval before they are introduced in Parliament.
- The President can allocate emergency funds when there's a financial crisis.

##### 4. Judicial Powers : The President can grant pardons or reduce punishments for crimes, especially in cases of death sentences.

##### 5. Military Powers : The President is the Supreme Commander of the Indian Armed Forces and can declare war or peace on the advice of the Cabinet.

##### 6. Emergency Powers : The President can declare national, state, and financial emergencies to maintain stability in times of crisis.

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**Que 2.8.** Mention the importance of the President as ceremonial head of state and guardian of the constitution.

**AKTU 2023-24 (Sem-6), Marks 05**

#### Answer

The President of India, as the ceremonial head of state and guardian of the constitution, holds a position of great importance.

##### A. Ceremonial head :

- Symbolic unity :** The President symbolizes national unity and integrity, representing the country at ceremonial occasions, both domestically and internationally.
- Formal functions :** The President performs key formal functions, such as inaugurating sessions of Parliament, giving assent to bills, and appointing key officials, including the Prime Minister, Governors, and Judges.
- Awards and honors :** The President bestows national awards and honors, recognizing outstanding contributions in various fields.

##### B. Guardian of the Constitution :

- Constitutional safeguards :** The President ensures that the Constitution is upheld, acting as a check on the government to prevent unconstitutional actions.
- Emergency powers :** During crises, the President can declare emergencies, ensuring national security and governance continuity.
- Judicial appointments :** The President's role in appointing judges safeguards judicial independence and integrity.

Thus, while the President's role is largely ceremonial, their constitutional responsibilities are vital for maintaining the democratic framework, rule of law, and stability of the nation.

**Que 2.9.** Compare the powers of Indian President with the United States President.

**Answer**

| S. No. | Aspect             | Indian President  | United States President                                     |
|--------|--------------------|---|---|
| 1.     | Role               | Head of State; ceremonial and symbolic.                       | Head of State and Head of Government.                       |
| 2.     | Executive powers   | Executes decisions on the advice of Prime Minister & Cabinet. | Holds real executive power; makes major policy decisions.   |
| 3.     | Legislative powers | Can summon/dissolve Parliament, issue ordinances.             | Can veto bills, deliver the State of the Union address.     |
| 4.     | Military powers    | Supreme Commander but acts on government's advice.            | Commander-in-Chief; directly controls military actions.     |
| 5.     | Emergency powers   | Can declare national, state, and financial emergencies.       | Can declare national emergencies; Congress approval needed. |
| 6.     | Judicial powers    | Can grant pardons and reduce sentences.                       | Can grant pardons and reprieves without external advice.    |

**Que 2.10.** Describe the powers and functions of the prime minister of India.

OR

Evaluate powers and functions of chancellors.

**AKTU 2023-24 (Sem-5), Marks 05**

**Answer**

[Note : The Chancellor is the head of the government, equivalent to a Prime Minister.]

The Prime Minister of India is the head of government and plays a key role in running the country. Following are the main powers and functions :

- Head of the Government :** The Prime Minister leads the government and takes charge of all major decisions and policies for the country.
- Leader of the Cabinet :** The Prime Minister selects and appoints ministers, assigns them responsibilities, and can reshuffle or remove them if needed. The Prime Minister leads Cabinet meetings and guides the Cabinet's decisions.

- Link between President and Cabinet :** The Prime Minister acts as the link between the President and the Cabinet, communicating Cabinet decisions and policies to the President.
- Policy Maker :** The Prime Minister sets the agenda for the country's development and leads in planning economic, social, and international policies.
- Leader of the Lok Sabha :** As the leader of the majority party in the Lok Sabha, the Prime Minister represents the government in Parliament, participates in debates, and defends government policies.
- International Relations :** The Prime Minister represents India in global meetings, strengthens foreign relations, and signs international agreements.
- Chief Advisor :** He also plays the role of chief advisor to the President.

**PART-3**

*Judiciary – The Independence of the Supreme Court, Appointment of Judges, Judicial Review, Public Interest Litigation, Judicial Activism.*

**Que 2.11.** What do you mean by judiciary? Elaborate the functions of judiciary in India.

**Answer****A. Judiciary :**

- The judiciary is the system of courts that interprets and applies the law.

- In India, the judiciary plays a vital role in upholding justice, protecting rights, and ensuring that the Constitution is followed.

**B. Functions of judiciary :**

- Interpretation of Laws :** The judiciary interprets the laws made by Parliament and state legislatures, providing clarity on how they should be applied in real situations.

- Protection of Fundamental Rights :** It safeguards citizens' fundamental rights by hearing cases of rights violations and providing remedies.

- Judicial Review :** The judiciary can review laws and government actions to ensure they are in line with the Constitution. If a law violates the Constitution, the judiciary can declare it invalid.

4. **Resolving Disputes :** Courts settle disputes between individuals, organizations, and governments, ensuring fair outcomes based on evidence and law.
5. **Ensuring Rule of Law :** The judiciary ensures that everyone follows the law, maintaining equality and order in society.
6. **Advisory Role :** The Supreme Court can offer advice to the President on legal or constitutional matters.

**Que 2.12.** Write a short note on independence of Supreme Court.

**Answer**

1. The Supreme Court is a Federal court, the highest court of appeal, the guarantor of the fundamental rights of the citizens and guardian of the Constitution.
2. Therefore, its independence becomes very essential for the effective discharge of the duties assigned to it.
3. It should be free from the encroachments, pressures and interferences of the executive (council of ministers) and the Legislature (Parliament).
4. It should be allowed to do justice without fear or favour.
5. The Constitution has made the following provisions to safeguard and ensure the independent and impartial functioning of the Supreme Court :
  - i. Mode of appointment.
  - ii. Security of tenure.
  - iii. Fixed service conditions.
  - iv. Expenses charged on the consolidated fund.
  - v. Conduct of judges cannot be discussed.
  - vi. Ban on practice after retirement.
  - vii. Power to punish for its contempt.
  - viii. Freedom to appoint its staff.
  - ix. Its jurisdiction cannot be curtailed.
  - x. Separation from Executive.

**Que 2.13.** Discuss the appointment of judges in Indian Judiciary.

**AKTU 2020-21 (Sem-5), Marks 10**

**OR**

Describe appointment procedure to Supreme Court Judges and High Courts Judges in India.

**AKTU 2021-22 (Sem-5), Marks 10**

**Answer**

- A. Appointment procedure to District Courts Judges :** Following is the procedure for appointing District Court judges in India :
1. **Eligibility :** Candidates must have a law degree and several years of experience as an advocate (usually at least 7 years) or as a judicial officer in lower courts.
  2. **State Public Service Commission Exam :** Eligible candidates often need to pass a competitive exam conducted by the respective State Public Service Commission or the State High Court.
  3. **Interview and Selection :** Those who pass the written exam are called for an interview conducted by a selection committee, which may include senior judges and government officials.
  4. **Appointment by Governor :** Based on the committee's recommendation, the Governor of the state formally appoints the selected candidates as District Court judges.
  5. **Approval from High Court :** The High Court of the state oversees the appointment and may give guidance on the selection process.
- B. Appointment procedure to High Courts Judges :** The appointment procedure for High Court judges in India involves following steps :
1. **Eligibility :** Candidates must be Indian citizens with at least 10 years of experience as an advocate in a High Court or lower courts, or have served as a judicial officer.
  2. **Recommendation by Collegium :** A collegium of senior judges, led by the Chief Justice of India and including senior judges of the Supreme Court, recommends suitable candidates.
  3. **Consultation with State Authorities :** The Chief Justice of the respective High Court and the Governor of the state are also consulted in the selection process.
  4. **Approval by the President :** The collegium sends the final recommendation to the President of India, who has the authority to appoint High Court judges.
  5. **Issuance of Appointment Order :** Once approved, the President formally appoints the candidate as a High Court judge.
- C. Appointment procedure to Supreme Court Judges :** The appointment procedure for Supreme Court judges in India is as follows :
1. **Eligibility :** Candidates must be Indian citizens with at least 5 years of experience as a High Court judge, or 10 years as an advocate in a High Court, or be distinguished jurists.
  2. **Recommendation by Collegium :** A collegium, consisting of the Chief Justice of India (CJI) and four senior Supreme Court judges, recommends candidates for the position.

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### Union Executive & State Executive

3. **Consultation :** The collegium consults other senior judges and may seek input from the government before finalizing the recommendation.
4. **Approval by the President :** The collegium's recommendation is sent to the President of India, who has the final authority to appoint Supreme Court judges.
5. **Issuance of Appointment Order :** After the President's approval, the formal appointment order is issued, and the judge takes an oath.

**Que 2.14.** What do you mean by Judicial Review ? Describe Judicial Review In India.

**Answer**

#### A. Judicial Review:

1. Judicial Review is the power of courts to examine the actions of the government, including laws and policies, to ensure they follow the Constitution.
2. Judicial Review is essential in India for maintaining the rule of law, protecting rights, and ensuring government accountability.

#### B. Judicial Review in India : Here's how Judicial Review works in India :

1. **Review of Laws :** The Supreme Court and High Courts can review laws passed by Parliament or state legislatures to check if they violate the Constitution. If a law is unconstitutional, the court can declare it invalid.
2. **Protection of Fundamental Rights :** Judicial Review ensures that government actions do not infringe upon citizens' fundamental rights, like freedom of speech and equality.
3. **Maintaining Balance of Power :** It prevents the misuse of power by any branch of government, ensuring that the executive, legislature, and judiciary work within their constitutional limits.
4. **Amendments and Policies :** Courts can also review constitutional amendments and government policies to check if they conflict with the Constitution's basic principles.

**Que 2.15.** Explain PIL and the procedure to file it.

**AKTU 2020-21 (Sem-5), Marks 10**

**AKTU 2022-23 (Sem-6), Marks 10**

OR

Constitution of India

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Evaluate Public Interest Litigation.

**AKTU 2021-22 (Sem-5), Marks 10**

**Answer**

#### A. Public Interest Litigation (PIL) :

1. PIL is a legal action taken in court for the benefit of the public, especially to address issues affecting society or vulnerable groups.
2. PIL allows individuals or organizations to seek justice on behalf of those who may not be able to represent themselves, such as underprivileged people or those affected by environmental issues.
3. It can be filed in High Courts or the Supreme Court, even as a simple letter if the cause is genuine.
4. PILs help bring attention to matters of public interest, ensuring the protection of rights and encouraging government accountability in social issues.
5. Some of the matters which are entertained under PIL are :
  - a. Bonded Labour matters.
  - b. Neglected Children.
  - c. Non-payment of minimum wages to workers and exploitation of casual workers.
  - d. Atrocities on women.
  - e. Environmental pollution and disturbance of ecological balance.

#### B. Procedure to file PIL : Following is the procedure to file a PIL in India :

1. **Identify public interest issue :** The issue should affect a large group or society, such as environmental protection, human rights, or misuse of public funds.
2. **Draft the petition :** A petition is prepared, explaining the issue, its impact, and the relief or action sought from the court.
3. **Choose court :** PILs can be filed in the High Court of a state or directly in the Supreme Court, depending on the issue's significance.
4. **File the petition :** The petition is filed in the chosen court with the required fees. The court may accept handwritten or informal letters as PILs if they address serious public issues.
5. **Court examination :** The court reviews the PIL to determine if the issue genuinely serves the public interest. If accepted, the court hears the case.

**Que 2.16.** Explain the significance of PIL.

**Answer**

Following are the significance of PILs:

1. **Access to justice for All :** PIL allows people, especially the poor or marginalized, to seek justice even if they can't afford legal representation.
2. **Promoting Fundamental Rights :** PILs help protect the rights of those who may otherwise be ignored, such as workers, women, or the environment.
3. **Governance accountability :** PILs encourage the government and public bodies to fulfil their duty of care, leading to improvements in governance and public services.
4. **Addressing social issues :** Through PILs, issues like pollution, deforestation, child labour, and other social problems can be brought before the courts for systemic action.
5. **Reinforcing democracy :** PILs empower citizens to actively participate in justice, ensuring everyone's voice is heard and upholding democratic principles.

**Ques 2.17.** What do you mean by judicial activism? Also mention various methods of judicial activism which are followed in India.

**Answer**

1. Active role of the judiciary in upholding the rights of citizens and overseeing the constitutional and legal system of the country is known as judicial activism.
2. Public Interest Litigation (PIL) is made judicial activism possible in India.
3. Judicial activism is seen as a means to liberalizing access to justice and fighting ruled by bureaucracy.
4. The active role of the Indian judiciary particularly that of the Supreme Court has been appreciated both within and outside India.
5. **Judicial Activism Methods:** There are various methods of judicial activism which are followed in India. They are:
  1. Judicial review.
  2. Public Interest Litigation (PIL).
  3. Constitutional interpretation.
  4. Action of interlocutory statute for ensuring constitutional rights.
  5. Supervisory power of the higher courts on the lower courts.

**Ques 2.18.** What is the significance of judicial Activism?

**Answer**

1. It is an effective tool for upholding citizens' rights and implementing constitutional principles when the executive and legislature fail to do so.
2. Citizens have the judiciary as the last hope for protecting their rights when all other doors are closed.
3. There are provisions in the constitution itself for the judiciary to adopt a proactive role.
4. According to experts, the shift from legal standards to public interest litigation made the judicial process more participatory and democratic.
5. Judicial activism counters the opinion that the judiciary is a mere spectator.

**PART-4**

Lokpal, Lok Ayukta, The Lokpal and Lok Ayuktas Act 2013.

**Ques 2.19.** What is Lokpal? Describe the structure of Lokpal.

**Answer****A. Lokpal:**

1. The Lokpal is an independent body in India that investigates and addresses complaints of corruption involving public officials, including the Prime Minister, ministers, and other government employees.
2. Established by the Lokpal and Lokayuktas Act in 2013, it aims to fight corruption and ensure transparency in government.
3. It is a statutory body without any constitutional status.

**B. Structure of Lokpal:**

1. The Lokpal consists of a chairperson and up to eight members.
2. The chairperson can be a current or former Chief Justice of India, a judge of the Supreme Court, or an expert in anti-corruption policies.
3. Of the eight members, half must be from the judiciary, such as judges of the Supreme Court or Chief Justices of High Courts.
4. Out of the maximum eight members, half will be judicial members and minimum 50% of the members will be from SC/ST/OBC/ Minorities and women, ensuring diversity and inclusivity.

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5. The members are appointed by the president on the recommendation of a Selection Committee.
6. The term of office for Lokpal Chairman and Members is 5 years or till the age of 70 years.

**Que 2.20.** Explain Lokpal jurisdiction and its powers.

AKTU 2020-21 (Sem-5), Marks 10

AKTU 2022-23 (Sem-5), Marks 10

**Answer**

**A. Jurisdiction of Lokpal :**

1. Covers high-level officials, including the Prime Minister (with limits), Union ministers, Members of Parliament, and central government employees.
2. Includes employees of government organizations, public sector companies, and institutions receiving government funds.

**B. Powers of Lokpal :**

1. **Receiving complaints :** Can receive complaints of corruption from the public.
2. **Investigation :** Has authority to conduct investigations into corruption cases.
3. **Prosecution :** Can order prosecution if evidence of corruption is found.
4. **Summoning authority :** Can summon individuals for questioning and demand records.
5. **Raids :** Has the power to raid premises if required during investigations.
6. **Asset seizure :** Can seize assets obtained through corrupt means.
7. **Recommendations :** Can suggest penalties or dismissal of guilty officials.
8. **Collaborations :** Works with other anti-corruption agencies to avoid overlapping duties.

**Que 2.21.** What are the limitations of Lokpal ?

**Answer**

Following are the main limitations of Lokpal :

1. **Limited Prime Minister jurisdiction :** Lokpal can only investigate the Prime Minister on specific issues like national security, foreign affairs, and nuclear policies, which limits its power over the highest office.

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2. **No control over judiciary :** Lokpal cannot investigate judges from the Supreme Court or High Courts.
3. **No Authority over state officials :** Lokpal only covers central government employees and organizations. State-level corruption cases are managed by Lokayuktas.
4. **Dependence on government agencies :** Lokpal relies on other government bodies for investigation support, which may lead to delays or conflicts of interest.
5. **Appointment delays :** Lokpal members are appointed by a committee that includes politicians, which may delay the process or lead to biased selections.
6. **Limited prosecution power :** While Lokpal can recommend action, it cannot enforce punishments directly; it depends on the courts for final decisions.
7. **Funding and resource constraints :** Lokpal's effectiveness can be limited by insufficient funds and resources for large-scale investigations.

**Que 2.22.** What is Lokayukta ? Describe the role of Lokayukta.

**Answer**

**A. Lokayukta :**

1. The Lokayukta is an anti-corruption authority at the state level in India, similar to the Lokpal, which functions at the national level.
2. It addresses complaints of corruption involving state government officials and promotes accountability in state administration.

**B. Role of Lokayukta :**

1. **Investigating corruption :** Lokayukta investigates complaints of corruption against state government officials, including ministers, legislators, and public servants.
2. **Promoting transparency :** It ensures that state officials follow ethical practices, helping build trust in government services.
3. **Receiving public complaints :** Lokayukta accepts corruption complaints from citizens, providing a platform for people to report misuse of power and resources.
4. **Recommending action :** If corruption is found, Lokayukta can recommend disciplinary actions, suspension, or dismissal of the official to the concerned authority.
5. **Reducing delays and inefficiency :** By addressing complaints and investigating misconduct, Lokayukta helps reduce bureaucratic delays and improve efficiency in government services.

6. **Acting as a deterrent :** The presence of Lokayuktas acts as a warning to officials, discouraging them from engaging in corrupt activities.

**Ques 2.23.** Discuss Lokpal and Lok Ayukta Act 2013.

**AKTU 2021-22 (Sem-5), Marks 10**

**AKTU 2022-23 (Sem-6), Marks 10**

OR

**Discuss Lokpal and Lokayuktas Act 2013 under Union Executive and State Executive.**

**AKTU 2021-22 (Sem-6), Marks 10**

**Answer**

1. The Lokpal and Lokayuktas Act, 2013 is an anti-corruption law enacted in India to address complaints of corruption among public officials.
2. The act established the Lokpal at the national level and mandated that every Indian state create a Lokayukta to handle corruption cases at the state level.
3. The primary aim of the act is to promote transparency and accountability within the government by investigating and addressing allegations of corruption against public officials.
4. These public officials include high-level authorities like the Prime Minister (with certain restrictions), Union ministers, Members of Parliament, and central government employees.
5. The act grants the Lokpal authority to investigate cases, order inquiries, and recommend actions based on findings.
6. Similarly, each state is required to establish a Lokayukta with similar powers for state officials.
7. The act also includes provisions for creating dedicated investigation and prosecution wings for Lokpal and encourages cooperation with existing anti-corruption bodies.
8. By institutionalizing the Lokpal and Lokayuktas, the act aims to strengthen anti-corruption measures in India.

**Ques 2.24.** Give the salient features of the Lokpal and Lokayuktas Act, 2013.

**Answer**

Following are the salient features of the Lokpal and Lokayuktas Act, 2013:

1. **Establishment of Lokpal and Lokayuktas :** The act sets up the Lokpal at the central level and requires states to establish Lokayuktas at the state level for handling corruption cases.

2. **Jurisdiction over public officials :** The act covers a wide range of public officials, including the Prime Minister (with certain limitations), ministers, Members of Parliament, and central and state government employees.
3. **Independent investigation and prosecution wings :** Lokpal has its own investigation and prosecution wings to handle inquiries and legal actions against corrupt officials.
4. **Appointment of Lokpal members :** Lokpal consists of a chairperson and up to eight members, with requirements for judicial and non-judicial experts, ensuring fair representation.
5. **Asset declaration :** All public servants must declare their assets, promoting transparency and accountability.
6. **Citizen's right to file complaints :** Citizens can directly report corruption cases to Lokpal and Lokayuktas, making it accessible to the public.
7. **Coordination with other bodies :** Lokpal works with other anti-corruption agencies to avoid overlap in responsibilities.

**Ques 2.25.** Write the major provisions of the Lokpal and Lokayuktas Act 2013.

**AKTU 2023-24 (Sem-6), Marks 05**

**Answer**

The major provisions of the Lokpal and Lokayuktas Act 2013 include :

1. **Establishment of lokpal :** A central anti-corruption ombudsman called the Lokpal, with a chairperson and up to eight members, half of whom must be judicial members.
2. **Jurisdiction :** Lokpal's jurisdiction covers the Prime Minister (with certain safeguards), Ministers, Members of Parliament, and Group A, B, C, and D officers and employees of the central government.
3. **Lokayuktas :** States must establish Lokayuktas within one year of the enactment of the Act, serving as state-level anti-corruption bodies.
4. **Powers of lokpal :** Lokpal has the authority to investigate and prosecute corruption cases, including the power to attach and confiscate property acquired through corrupt means.
5. **Procedure for complaints :** The Act details the procedure for filing complaints, including the requirement for a preliminary inquiry before a full investigation.
6. **Prosecution wing :** Establishment of a prosecution wing within the lokpal to handle prosecution in corruption cases.
7. **Special courts :** The Act provides for the establishment of special courts to expedite the trial of corruption cases referred by the lokpal.

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8. Whistleblower protection : Includes provisions to protect whistleblowers who report corruption and malpractices.

#### PART-5

#### State Executives-Powers and Functions of the Governor, Powers and Functions of the Chief Minister.

**Que 2.26.** Write a short note on: State Executive.

#### Answer

The State Executive in India is the governing body responsible for implementing state laws and policies. It ensures effective governance by implementing policies and maintaining order in the state. It consists of:

1. Governor : The Governor is the head of the state and represents the President of India. Appointed by the President, the Governor has the power to approve bills, call the state legislature to session, and oversee law and order. The Governor acts based on the advice of the Chief Minister and Council of Ministers.
2. Chief Minister : The Chief Minister is the head of the elected government in the state and holds the most power in the State Executive. Elected by the ruling party members in the state assembly, the Chief Minister leads the government and makes decisions on policies, laws, and state administration.
3. Council of Ministers : The Council of Ministers, led by the Chief Minister, assists in decision-making and implementing laws in the state. They handle different departments, like education, health, and transportation, making policies to improve state services.

**Que 2.27.** Elaborate on the power and function of the Governor.

AKTU 2022-23 (Sem-6), Marks 10

#### Answer

Following are the main powers and functions of the Governor :

1. **Executive Powers :**
  - a. The Governor appoints the Chief Minister and other ministers based on the majority in the state legislature.
  - b. They oversee the functioning of the state government and ensure it runs according to the Constitution.
  - c. The Governor also appoints other officials, such as the Advocate General and members of the state's Public Service Commission.

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#### 2. Legislative Powers :

- a. The Governor can summon and dissolve the state legislature and has the power to call or postpone sessions.
- b. They can give assent to bills passed by the state legislature, send bills for reconsideration, or reserve them for the President's approval.
- c. The Governor can issue ordinances when the state legislature is not in session, which acts as temporary laws.

#### 3. Financial Powers :

- a. No money bill can be introduced in the state legislature without the Governor's permission.
- b. The Governor oversees the state budget and can advise on financial matters.

#### 4. Judicial Powers : The Governor has the power to grant pardons, reprieves, or commute sentences for crimes under state laws.

#### 5. Discretionary Powers : In certain situations, like a hung assembly, the Governor can make independent decisions.

**Que 2.28.** Evaluate powers and functions of Chief Minister.

AKTU 2022-23 (Sem-5), Marks 10

AKTU 2023-24 (Sem-5), Marks 05

OR

Explain the power and function of the Chief Minister.

AKTU 2022-23 (Sem-6), Marks 10

#### Answer

Following are the main powers and functions of the Chief Minister :

1. **Leader of the State Government :**
  - a. The Chief Minister leads the state's executive branch and is responsible for implementing laws and policies.
  - b. They guide the state's development programs and make major policy decisions.
2. **Head of the Council of Ministers :**
  - a. The Chief Minister selects ministers and assigns them to various departments like health, education, and finance.
  - b. They lead and coordinate the Council of Ministers, ensuring that government work is conducted smoothly and efficiently.

- 3. Advisor to the Governor :**
- The Chief Minister advises the Governor on appointments and policy matters.
  - Most decisions of the Governor are based on the advice of the Chief Minister and their council.
- 4. Represents the State :**
- The Chief Minister represents the state in meetings with the central government and in national forums.
  - They voice the state's concerns and seek central assistance for state projects.
- 5. Role in Legislative Matters :**
- The Chief Minister guides the legislative agenda of the state, influencing which bills and policies are introduced.
  - They also lead discussions on important state issues in the state assembly.

**PART-6**

*Functions of State Cabinet, Functions of State Legislature  
Functions of High Court and Subordinate Courts.*

**Que 2.29.** What do you mean by State Cabinet? Explain the functions of State Cabinet.

**Answer****A. State Cabinet :**

- The State Cabinet is a group of senior ministers led by the Chief Minister in a state government.
- The State Cabinet plays a vital role in managing the state's governance, improving public welfare, and ensuring the smooth functioning of state departments.

**B. Functions of State Cabinet :** Following are the main functions of the State Cabinet :

- Formulating policies :** The Cabinet creates policies on important issues like health, education, infrastructure, and welfare programs.
- Decision-making :** It makes major decisions on state matters, including budgeting, law-making, and economic development.
- Implementing laws :** The Cabinet ensures that laws passed by the state legislature are implemented effectively across the state.

- Advising the Governor :** The Cabinet advises the Governor on key matters, such as introducing new laws and making official appointments.
- Budget preparation :** The Cabinet prepares the state budget, deciding how funds should be allocated to various departments and projects.
- Handling emergencies :** During emergencies or natural disasters, the Cabinet coordinates relief efforts and ensures public safety.

**Que 2.30.** What do you mean by State Legislature? Explain the functions of State Legislature.

OR

Evaluate the functions of state legislature.

**AKTU 2022-23 (Sem-5), Marks 10****Answer****A. State Legislature :**

- The State Legislature is the law-making body in an Indian state.
- It is responsible for creating laws and policies on matters that affect the state.
- The State Legislature can be unicameral (one house: Legislative Assembly) or bicameral (two houses: Legislative Assembly and Legislative Council), depending on the state.

**B. Functions of State Legislature :** Following are the main functions of the State Legislature :

- Law-making :** The main function of the State Legislature is to make laws on state matters like health, education, and agriculture, which are listed in the State List of the Indian Constitution.
- Budget approval :** It approves the state budget, deciding on the distribution of funds for various government departments and projects.
- Control over the executive :** The State Legislature keeps the state government accountable. Members can question ministers about policies and administration, ensuring transparency.
- Representation :** Members of the State Legislature (MLAs) represent the people of their constituencies, voicing their issues and concerns in the legislature.
- Amendment of State laws :** The State Legislature can amend or repeal existing state laws to meet changing needs.

**Que 2.31.** Give the functions of Legislative Assembly.

**AKTU 2023-24 (Sem-6), Marks 05**

**Answer**

The Legislative Assembly (Vidhan Sabha) is the lower house of the state legislature in India and plays a key role in governing the state. Following are its main functions :

1. **Law-making** : The Assembly creates and passes laws on state matters such as health, education, and transportation.
2. **Approving the budget** : It reviews and approves the state budget, deciding how funds are allocated to different departments and projects.
3. **Monitoring the executive** : Members of the Legislative Assembly (MLAs) can question ministers and discuss issues, holding the state government accountable.
4. **Representing the people** : MLAs represent their local constituencies, bringing citizens' issues and needs to the Assembly.
5. **Amending State laws** : The Assembly can amend or repeal existing state laws to keep up with current needs.

**Que 2.32.** | Give the functions of Legislative Council.**Answer**

The Legislative Council (Vidhan Parishad) is the upper house of the state legislature in states that have a bicameral system. Its main functions include :

1. **Reviewing bills** : The Council reviews and discusses bills passed by the Legislative Assembly. It can suggest changes but cannot block a bill indefinitely.
2. **Providing expertise** : Many members of the Council are experienced professionals or academics, providing valuable insights and expert opinions on policies and laws.
3. **Debating issues** : The Council discusses important state issues, adding depth to debates and bringing broader perspectives to decision-making.
4. **Questioning the executive** : Members can ask questions and seek explanations from ministers, helping to keep the government accountable.
5. **Suggesting reforms** : The Council can propose improvements to laws and policies, adding constructive feedback.

**Que 2.33.** | Evaluate the functions of High Court and Subordinate Courts.**Answer**

The High Court is the highest judicial authority at the state level in India, and Subordinate Courts operate under it to handle cases at the district and local levels.

**A. Functions of the High Court :**

1. **Appeals and revisions** : The High Court hears appeals from lower courts and can revise or overturn their judgments.
2. **Writ jurisdiction** : It has the power to issue writs for protecting fundamental rights, ensuring justice is served.
3. **Supervising lower courts** : The High Court oversees Subordinate Courts, setting standards and ensuring fair trials.
4. **Original jurisdiction** : In certain cases, like those involving state laws or specific legal issues, the High Court can hear cases directly.
5. **Public interest** : The High Court can address public interest cases to resolve issues affecting society.

**B. Functions of Subordinate Courts :**

1. **Criminal and civil cases** : Subordinate Courts handle civil and criminal cases at the district and local levels, dealing with most day-to-day cases.
2. **Implementing high court orders** : These courts implement directions from the High Court and ensure justice is served locally.
3. **Providing quick justice** : Subordinate Courts provide accessible and timely justice to the public at the district and town levels.



# 3

UNIT

## Basic Information about Legal System

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3-2 P (NCC-Sem-5 & 6)

Basic Information about Legal System

### PART- 1

#### *The Legal System Sources of Law and the Court Structure.*

**Ques 3.1.** Explain the term 'Law'. What are the major functions of Law ?

#### Answer

- A. **Law :** Law is a set of rules created by the government or authority to regulate behavior in society. It defines what people can and cannot do, helping maintain order, protect rights, and ensure justice. Laws apply to everyone equally and have consequences if broken. They guide society and help resolve disputes fairly.
- B. **Functions of Law :** Some of the major functions of law are listed below :
1. To deliver justice.
  2. To provide equality and uniformity.
  3. To maintain impartiality.
  4. To maintain law and order.
  5. To maintain social control.
  6. To resolve conflicts.
  7. To bring orderly change through law and social reform.

**Ques 3.2.** What do you understand by the term Sources of law ?

OR

Examine the sources of Law and its types.

AKTU 2021-22 (Sem-5), Marks 10

#### Answer

- A. **Sources of law :** The sources of law refer to the origins or foundations from which laws develop. These sources provide the basis for creating and enforcing laws within a country.
- B. **Types of sources of law :**
1. **Legislation :** This is law created by the government or legislative bodies like the Parliament. It includes acts, statutes, and ordinances passed by these authorities and is a primary source of formal law.
  2. **Customary law :** Customary law is based on long-standing practices and traditions followed by communities. When customs

Constitution of India

g-a P (NCO-Nem-5 & 9)

- are widely accepted and practised, they can be recognized as law by the courts.

  - 3. **Judicial decisions** : Also known as case law or precedent, these are laws derived from court decisions. Higher court judgments guide lower courts, creating a legal standard for similar cases in the future.
  - 4. **Constitution** : The Constitution is the supreme law in many countries. It outlines the fundamental principles, rights, and powers of the government, serving as the foundation for all other laws.
  - 5. **Religious or moral codes** : In some societies, religious texts or moral codes influence laws, especially in areas like marriage, divorce, and inheritance.

**Que 3.3.** Explain the court structure in India.

**OR**

**Q. List the structure of the Indian judicial system.**

**AKTU 2023-24 (Sem-0), Marks 05**

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India's court structure is organised in a hierarchical system to ensure justice is delivered effectively. Following is an overview of the main levels:

- Supreme Court :** The highest court in India, located in New Delhi. It has ultimate authority over all legal matters and hears appeals from lower courts. It also deals with constitutional issues and protects fundamental rights. Its decisions are final and apply across the nation.
  - High Courts :** High Courts are present in each state or group of states, acting as the top court at the state level. They handle appeals from District Courts and have the authority to protect citizen's rights through writs. High Courts also supervise the functioning of lower courts within their jurisdiction.
  - District Courts :** Located in each district, these courts handle both criminal and civil cases. They are the main trial courts for serious cases at the district level. District Judges oversee these courts and also hear appeals from Subordinate Courts within the district.
  - Subordinate Courts :** This level includes Magistrate Courts (for criminal cases) and Civil Courts (for civil cases) at the town or village level. They handle most everyday cases and provide quick, local justice.

g-4 P (NCOO-Flem-5 & 6)

## **Basic Information about Legal System**

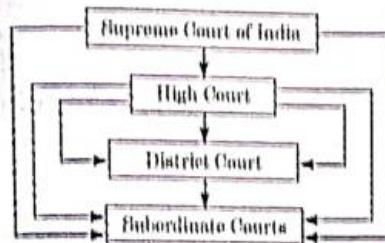


Fig. 8,9,11

PART-3

*Enacted Law-Acts of Parliament are of Primary Legislation, Common Law or Case Law, Principles taken from Decisions of Judges constitute Binding Legal Rules.*

**Que 8.4.** Explain the term Acts of Parliament.

AICTU 2020-21 (Sem-5), Marks 10

AKTU 2022-23 (Sem-5), Marks 10

Answer

1. Acts of Parliament are laws made by the Parliament, the main law-making body in India.
  2. These acts are formal legal rules that apply to everyone in the country and cover a wide range of topics, from criminal justice to environmental protection.
  3. To become an act, a bill (a proposed law) must first be introduced and approved in both houses of Parliament—the Lok Sabha and the Rajya Sabha.
  4. The bill goes through several readings, debates, and possible amendments in each house.
  5. Once both houses agree and pass the bill, it is sent to the President of India for approval.
  6. After the President signs it, the bill officially becomes an act and is enforceable as law.
  7. Acts of Parliament are crucial because they set out the rules and standards that guide public behavior, regulate activities, and provide legal remedies when rules are broken.

8. They also empower government agencies and define their responsibilities.
9. By creating acts, Parliament ensures the law keeps pace with social changes, new challenges, and public needs.

**Ques 3.5.** What do you understand by **Acts of Parliament** are of primary legislation.

**Answer**

1. When we say that Acts of Parliament are primary legislation, it means these acts are the main source of law created directly by the Parliament.
2. Primary legislation is made through a formal and democratic process, where proposed laws, called bills, are debated and approved in Parliament before becoming laws (acts).
3. As primary legislation, Acts of Parliament have the highest authority.
4. They set out the basic laws and rules that everyone must follow, covering areas like criminal justice, health, education, and the economy.
5. Because they come from Parliament, these acts have greater power and cannot be easily changed by anyone except Parliament itself.
6. Primary legislation is different from secondary legislation (or delegated legislation), which is made by government ministers or agencies under powers given by an act.
7. Secondary legislation fills in the details of primary laws but cannot contradict them.
8. So, Acts of Parliament, as primary legislation, form the core legal structure, setting key principles that guide society and government actions.

**Ques 3.6.** What do you mean by the term common law and case law?

**Answer**

**A. Common Law :**

1. Common law is a legal system based on customs, traditions, and judicial decisions rather than written laws or statutes.
2. It developed historically in England and is now followed in many countries, including India, the United States, and the UK.
3. In a common law system, previous court decisions (precedents) set rules that guide future cases.
4. These precedents become part of the law, meaning the decisions made by judges over time shape the common law.

**B. Case Law :**

1. Case law is specifically the body of law created by judicial decisions or court rulings in individual cases.
2. Each court decision becomes a "case law" and can influence future cases with similar facts or legal issues.
3. Case law is part of the common law system but doesn't define the entire system.

Thus, common law is a legal system that relies heavily on case law, but case law is specifically the collection of individual judicial rulings within that system.

**Ques 3.7.** How the principles taken from decisions of judges constitute binding legal rules ?

OR

What are the principles taken from decisions of judges constituting binding legal rules ?

**AKTU 2021-22 (Sem-6), Marks 10**

**AKTU 2023-24 (Sem-5), Marks 05**

**Answer**

1. In common law systems, principles from judges' decisions become binding legal rules through a concept called judicial precedent.
2. This means that decisions made by higher courts set examples, or "precedents," which lower courts must follow in future cases with similar facts or issues.
3. This practice helps ensure fairness and consistency in the law, as similar cases receive similar rulings.
4. When a judge decides a case, they explain the reasoning behind their decision.
5. This reasoning forms the legal principle, also known as the "ratio decidendi" (reason for the decision).
6. The ratio decidendi becomes a binding rule for lower courts, guiding their judgments in related cases.
7. However, not all parts of a judge's decision are binding. Comments or observations, known as obiter dicta (things said "by the way"), are not mandatory but may be used as guidance.
8. Higher courts, like the Supreme Court, set precedents that must be followed by all lower courts.
9. This process strengthens the legal system, as it builds a stable body of law over time.

10. However, if a court believes a previous decision was wrong, it can be reviewed or changed by a higher court, allowing the law to adapt to new situations and social changes.

**PART-3**

*The Court System in India and Foreign Courtiers (District Court, District Consumer Forum, Tribunals, High Courts, Supreme Court).*

**Que 3.8.** Write a short note on: The court system in India and foreign courtiers.

**Answer**

1. The court system in India is a structured legal system that helps resolve disputes and deliver justice.
2. It includes various levels of courts, with the Supreme Court being the highest authority.
3. Below it are High Courts in each state, followed by district and lower courts.
4. The Supreme Court handles important cases that affect the whole country and can also review decisions made by the High Courts.
5. High Courts manage cases within their respective states, while district and lower courts handle local cases.
6. This system ensures that people have a fair chance to present their case and seek justice.
7. Historically, foreign courtiers were officials from other countries who worked in royal courts in India, especially during the time of empires like the Mughals.
8. These courtiers brought new ideas, arts, and knowledge from other lands.
9. Persian courtiers, for example, influenced Indian art, literature, and administration.
10. They helped Indian rulers connect with other nations, making the kingdom more respected and cultured.
11. By blending foreign ideas with local traditions, these courtiers contributed to India's rich and diverse heritage.

**Que 3.9.** Write a short note on: District courts in India.

**Answer**

1. District courts in India are an important part of the country's legal system.
2. They handle cases at the local level within each district.
3. Every state is divided into districts, and each district has its own court to deal with civil and criminal cases.
4. District courts are headed by a District Judge who makes decisions on important cases.
5. These courts serve as the main point where people can bring their disputes and seek justice in their local area.
6. The district court's job is to make sure people get fair treatment and that legal matters are settled according to the law.
7. They handle a variety of cases, including family issues, property disputes, and criminal offenses.
8. If someone is not satisfied with the decision of the district court, they can appeal to the higher courts, such as the High Court of the state.

**Que 3.10.** Write a short note on: District consumer forum in India.

**Answer**

1. The District Consumer Forum in India is a special court that handles complaints from consumers about goods and services.
2. It was created to protect consumers from unfair practices, such as defective products, poor services, and false advertisements.
3. Each district in India has a consumer forum where people can go if they feel they have been cheated or treated unfairly by a seller or service provider.
4. The District Consumer Forum is led by a judge, along with two other members.
5. They listen to complaints, examine evidence, and make fair decisions to solve consumer issues.
6. Consumers can file complaints for cases involving smaller amounts of money, usually up to a set limit, which may vary by law.
7. If the consumer is unhappy with the forum's decision, they can appeal to a higher authority, like the State Commission.
8. This forum is important because it gives consumers an easy and affordable way to get justice without needing a lawyer.

**Que 3.11.** Write any essay on the objectives of the consumer protection, Act 2019 and its salient features.

**AKTU 2023-24 (Sem-6), Marks 05**

**Answer**

The Consumer Protection Act, 2019 aims to safeguard consumer interests and establish a robust mechanism for resolving consumer disputes.

**A. Objectives :**

1. **Empowerment of consumers :** Ensuring consumers are well-informed about their rights and can make informed decisions.
2. **Protection against malpractices :** Safeguarding consumers from unfair trade practices, defective goods, and deficient services.
3. **Efficient redressal mechanism :** Providing a fast and effective dispute resolution process to address consumer grievances.

**B. Salient features :**

1. **Central Consumer Protection Authority (CCPA) :** Establishment of the CCPA to promote, protect, and enforce consumer rights.
2. **Simplified dispute resolution :** Introduction of e-filing of complaints and a mediation process to expedite dispute resolution.
3. **Product liability :** Provisions for holding manufacturers, service providers, and sellers accountable for defective products or deficient services.
4. **Consumer rights :** Reinforcement of six consumer rights, including the right to be informed, the right to choose, and the right to seek redressal.
5. **E-commerce regulations :** Specific guidelines for e-commerce platforms to protect online consumers.

**Que 3.12.** Define tribunal and discuss why tribunals are needed.

**AKTU 2020-21 (Sem-5), Marks 10**

OR

**AKTU 2021-22 (Sem-5), Marks 10**

Explain tribunals in India.

**Answer**

**A. Tribunal :**

1. Tribunals are special courts set up to handle specific types of disputes outside the regular court system.

**Que 3.13.** Write a short note on any two of the following :

- i. District Court
- ii. District Consumer Forum
- iii. Tribunals

**AKTU 2021-22 (Sem-6), Marks 10**

**Answer**

- i. **District Court :** Refer Q. 3.9, Page 3-7P, Unit-3.
- ii. **District Consumer Forum :** Refer Q. 3.10, Page 3-8P, Unit-3.
- iii. **Tribunals :** Refer Q. 3.12, Page 3-9P, Unit-3.

**Que 3.14.** Write a short note on High Courts in India.

**Answer**

1. The highest judicial court in a state is the High Court.
2. It is termed as the second-highest in the country after Supreme Court of India.

### Constitution of India

3-11 P (NCC-Sem-5 & 6)

3. Currently, India has 25 High Courts established in different states of the country.
4. The jurisdictions of a High Court are :
  - i. Original Jurisdiction
  - ii. Power of Superintendence
  - iii. Court of Record
  - iv. Appellate Jurisdiction
5. The work of most high courts primarily consists of appeals from lower courts and writ petitions in terms of Articles 226 and 227 of the constitution.

**Que 3.15.** Write a short note on Supreme Court of India.

#### Answer

1. The Supreme Court of India is the country's highest judicial court. It is the final court of appeal in the country.
2. The Chief Justice of India is the head and chief judge of the Supreme Court and the court consists of a maximum of 34 judges.
3. It takes up appeals against the verdicts of the High Courts, other courts and tribunals.
4. It settles disputes between various government authorities, between state governments, and between the centre and any state government.
5. It also hears matters which the President refers to it, in its advisory role.
6. The law that Supreme Court declares is binding on all the courts in India and on the Union as well as the state governments.
7. The jurisdiction of the SC is of three types :
  - i. Original
  - ii. Appellate
  - iii. Advisory
8. Supreme Court upholds the rule of law and also guarantees and protects citizen's rights and liberties as given in the Constitution. Therefore, the Supreme Court is also known as the Guardian of the Constitution.

### PART-4

Arbitration, Contract Law, Tort, Law at Workplace.

3-12 P (NCC-Sem-5 & 6)

Basic Information about Legal System

**Que 3.16.** Define arbitration and explain its types.

AKTU 2020-21 (Sem-5), Marks 10

AKTU 2022-23 (Sem-5), Marks 10

OR

What do you understand by the term arbitration ? Also mention types of arbitration.

#### Answer

##### A. Arbitration :

1. Arbitration is a method of resolving disputes outside of court.
2. In arbitration, a neutral person, called an arbitrator, listens to both sides and makes a decision to settle the dispute.
3. This decision is usually final and binding, meaning both parties must accept it.
4. Arbitration is often faster and more cost-effective than going to court, making it popular for resolving business and contract-related conflicts.

##### B. Types of arbitration :

1. **Commercial arbitration :** Deals with business disputes, such as issues in contracts, trade, and finance. It helps companies resolve conflicts without lengthy court cases.
2. **Consumer arbitration :** Used when consumers have disputes with companies over products or services. It's designed to be quicker and easier for consumers.
3. **Labour arbitration :** Resolves conflicts between employers and employees, often related to employment terms, wages, or working conditions.
4. **International arbitration :** Used when disputes arise between parties from different countries. It helps solve conflicts without needing to follow any one country's laws.
5. **Ad-hoc and institutional arbitration :** Ad-hoc arbitration is organized by the parties involved, while institutional arbitration is managed by organizations like the International Chamber of Commerce (ICC).

**Que 3.17.** "Arbitration is an alternative to resolving disputes in the normal courts." Discuss the statement.

AKTU 2022-23 (Sem-5), Marks 10

**Answer**

- Arbitration is an alternative dispute resolution mechanism that provides a means for parties to resolve disputes outside of the normal court system.
- Instead of having a judge or jury make a decision, an arbitrator is appointed to hear both sides of the dispute.
- The arbitrator hears the arguments and evidence of both sides and makes a binding decision, which is called an award.
- Arbitration has several advantages over traditional court litigation, including speed, confidentiality, flexibility and cost-effectiveness.
- Arbitration provides a flexible and efficient alternative to resolving disputes through the normal court system.
- It offers parties the benefits of a quicker, more confidential, and more flexible dispute resolution process, while also providing access to expert decision-makers.
- It is often used as a preferred method for resolving disputes in fields such as international trade, construction, and commercial contracts.
- From above we can infer that the statement is correct: "Arbitration is an alternative to resolving disputes in the normal courts."

**Que 3.18.** Describe rights and duties of an arbitrator.**Answer****A. Rights of an arbitrator :**

- Right to hear both sides :** The arbitrator can ask both parties to present their arguments, evidence, and witnesses for a fair decision.
- Right to make a decision :** After examining all facts, the arbitrator has the right to give a binding decision that both parties must follow.
- Right to seek information :** The arbitrator can request additional documents or information from both parties if needed.
- Right to fees :** The arbitrator has a right to receive agreed fees for their services.

**B. Duties of an arbitrator :**

- Duty to be impartial :** The arbitrator must remain neutral, avoiding any bias towards either party.
- Duty to act fairly :** They should ensure that both sides have an equal chance to present their case.
- Duty of confidentiality :** The arbitrator must keep all case details private and not share information outside the arbitration.

- Duty to follow the law :** The arbitrator should apply relevant laws and rules while making a decision.
- Duty to decide promptly :** An arbitrator should avoid unnecessary delays and work to give a timely decision.

**Que 3.19.** What do you understand by the term contract law ? Also mention the essential elements of a contract.**Answer****A. Contract law :**

- Contract Law is the area of law that governs agreements made between two or more parties.
- It sets the rules and guidelines to ensure that promises made in a contract are legally binding and enforceable.
- Contracts can be written, spoken, or implied, and they cover a range of agreements, from business deals to everyday purchases.
- Contract law ensures that if one party does not fulfill their part of the agreement, the other party can take legal action to resolve the issue.

**B. Essential elements of a contract :**

- Offer :** One party makes a clear offer to do or provide something.
- Acceptance :** The other party agrees to the offer in the same terms as presented.
- Intention to create legal relations :** Both parties intend for the agreement to be legally binding.
- Consideration :** Something of value is exchanged, like money, services, or goods.
- Capacity :** Both parties must be capable of understanding the contract (e.g., not minors or mentally incapacitated).
- Free consent :** Agreement must be made without force, fraud, or undue influence.
- Lawful object :** The contract's purpose must be legal and not against public policy.

**Que 3.20.** Discuss the need and importance of contract law under the Legal System.

AKTU 2021-22 (Sem-6), Marks 10

OR

Discuss the need for and importance of contract law under the Legal System.

AKTU 2023-24 (Sem-5), Marks 05

**Answer**

Following are the need and importance of contract law :

- Ensures fairness** : Contract law protects the rights of each party involved by ensuring both sides fulfill their obligations fairly. This helps build trust in agreements.
- Legal protection** : It offers legal protection to parties if the other side fails to honor the contract. This way, individuals and businesses can seek justice if there is a breach.
- Promotes business and trade** : Contract law provides a stable foundation for business transactions, making trade and commerce more predictable and secure.
- Encourages accountability** : It ensures parties are held accountable for their promises, which reduces fraud and misunderstandings in agreements.
- Clarity in agreements** : By outlining essential terms and conditions, contract law helps both parties clearly understand their rights and duties.
- Dispute resolution** : If conflicts arise, contract law provides a framework to resolve them, either through negotiation, arbitration, or court.
- Boosts economic growth** : A strong contract law system encourages investment and economic activity, as people and businesses feel secure to engage in transactions.

**Que 3.21. Explain the term Tort. What are different types of torts ?****Answer****A. Tort :**

- A Tort is a legal term that refers to a civil wrong or harm done by one person to another, which is not related to breaking a contract.
- When someone's actions cause harm or loss to another person, they may be held legally responsible under tort law.
- The purpose of tort law is to provide a way for the injured person to receive compensation for the harm caused to them.
- Unlike criminal law, which involves punishment for breaking the law, tort law is about making up for losses and injuries.
- Tort law is important because it helps protect people's rights and ensures that those who suffer harm are fairly compensated.

**B. Types of torts :** There are three different types of torts :

- Negligence** : It occurs when someone fails to take reasonable care, like in a car accident.

- Intentional torts** : It involves deliberate actions, like assault or defamation.
- Strict liability** : It holds a person responsible for harm caused, even if they didn't mean to cause it, like in certain cases of product liability.

**Que 3.22. What are the various laws relating to workplace in India ?****Answer**

Workplace Laws in India cover a range of rights and protections for employees, ensuring safety, fair treatment, and good working conditions. Following are some key workplace laws :

- The Factories Act, 1948** : Regulates working hours, safety, health, and welfare of workers in factories.
- The Employees' Provident Funds and Miscellaneous Provisions Act, 1952** : Provides a system for employees to save for retirement through contributions by both employer and employee.
- The Payment of Wages Act, 1936** : Ensures timely payment of wages to workers and prevents unlawful deductions.
- The Minimum Wages Act, 1948** : Sets minimum wage rates to protect workers from unfairly low wages.
- The Payment of Bonus Act, 1965** : Entitles employees to bonuses based on profits or productivity.
- The Maternity Benefit Act, 1961** : Provides paid leave and job protection for pregnant women and new mothers.
- The Industrial Disputes Act, 1947** : Manages disputes between employers and employees, helping resolve conflicts.
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** : Protects women from sexual harassment in the workplace.



# 4

UNIT

## Election Provisions, Emergency Provisions, Amendment of the Constitution

### CONTENTS

- Part-1 : Election Commission of India-Composition, Powers and Functions and Electoral Process 4-2P to 4-9P
- Part-2 : Types of Emergency-Grounds, Procedure, Duration and Effects 4-9P to 4-15P
- Part-3 : Amendment of the Constitution-Meaning, Procedure and Limitations 4-15P to 4-20P

4-1 P (NCC-Sem-5 & 6)

4-2 P (NCC-Sem-5 & 6)

Election and Emergency Provisions

### PART-1

*Election Commission of India-Composition, Powers and Functions and Electoral Process.*

**Que 4.1.** What do you understand by Election Commission of India ? Give the composition of the Election Commission of India ?

**Answer**

A. Election Commission of India (ECI) :

1. The ECI is an independent body that the Constitution of India set up to ensure a free and fair election.
2. It was established under Article 324 of the Indian Constitution.
3. The ECI supervises elections to the Parliament, State Legislatures, and the offices of the President and Vice-President of India.
4. Its primary role is to administer and enforce electoral laws, monitor political activities, and promote voter awareness.

B. Composition of ECI :

1. The composition of the Election Commission comprises a Chief Election Commissioner (CEC) and two Election Commissioners.
2. Initially, it was a single-member body, but in 1989, it expanded to include multiple commissioners to enhance administrative capabilities.
3. The CEC and Election Commissioners hold equal powers and serve a term of six years or until the age of 65, whichever comes earlier.
4. They are appointed by the President of India and can only be removed under specific conditions, ensuring their independence.
5. This structure ensures the ECI's impartiality and commitment to democratic principles.

**Que 4.2.** What is Article 324 ?

**Answer**

1. Article 324 of the Indian Constitution grants the Election Commission of India (ECI) the authority to oversee, direct, and control elections across the country.
2. This article establishes the ECI as an independent body, empowering it to conduct elections for the Parliament, State Legislatures, and the offices of the President and Vice-President of India.

**Constitution of India**

4-3 P (NCC-Sem-5 &amp; 6)

3. Under Article 324, the ECI has the responsibility to maintain the integrity of the electoral process, ensuring that elections are conducted fairly, without undue influence or corruption.
4. The article also outlines the ECI's structure, stipulating that it consists of a Chief Election Commissioner (CEC) and, if necessary, additional Election Commissioners, as determined by the President.
5. Article 324 empowers the ECI to enforce the Model Code of Conduct, oversee voter registration, and regulate political party activities during elections.

**Que 4.3.** Explain the powers of the Election Commission of India.**Answer**

The powers vested on the election commission include, but are not limited to, the following :

1. To choose the territorial areas of the electoral constituency throughout the country based on the Delimitation Commission Act of the Parliament.
2. To prepare and revise the electoral rolls and register all eligible voters.
3. To decide the schedule and date for the election and scrutinise the nomination papers.
4. To recognise the different political parties and allocate their election symbols to them.
5. The election commission acts as a court to end all the disputes that concern the granting of recognition to political parties and assigns them election symbols.
6. Appoint officials to look into disputes that may concern electoral arrangements.
7. Create a program that shall publicise the policies regarding all political parties on different media platforms, such as the TV and radio, during the elections.
8. Advise the President on matters that may concern the disqualification of MPs, and advise the Governor on issues that may involve the disqualification of MLAs.
9. The election commission can cancel polls in cases such as booth capturing, rigging, violence, etc.

**Que 4.4.** Describe the functions of the Election Commission of India.**Answer**

Following are the functions of the Election Commission of India :

4-4 P (NCC-Sem-5 &amp; 6)

Election and Emergency Provisions

1. To direct and control the entire process of conducting elections to Parliament and Legislature of every State and to the offices of President and Vice-President of India.
2. To decide the election schedules for the conduct of periodic and timely elections, whether general or bye-elections.
3. To decide on the location of polling stations, assignment of voters to the polling stations, location of counting centres, arrangements to be made in and around polling stations and counting centres.
4. To prepare electoral roll and issues Electronic Photo Identity Card (EPIC).
5. To sets limits of campaign expenditure per candidate to all the political parties, and also monitors the same.
6. To advise in the matter of post-election disqualification of sitting members of Parliament and State Legislatures.
7. To issue the Model Code of Conduct in the election for political parties and candidates so that no one indulges in unfair practice.

**Que 4.5.** How is the electoral process conducted by the Election Commission of India ?**Answer**

1. The electoral process conducted by the Election Commission of India (ECI) is a structured and multi-phase operation aimed at ensuring free and fair elections.
2. It begins with the announcement of election dates, following which the Model Code of Conduct is implemented to regulate political behavior.
3. The ECI then updates and finalizes the electoral roll to ensure all eligible voters are registered.
4. Candidates are required to file nominations within a specific timeframe, and their eligibility is verified by ECI officials.
5. The ECI allocates symbols to recognized political parties and sets guidelines for campaign finance and publicity.
6. It also organizes training for poll officials and coordinates security arrangements to maintain law and order during elections.
7. On election day, the ECI oversees the operation of polling stations and ensures that electronic voting machines (EVMs) are used securely and transparently.
8. Post-election, the ECI supervises the counting of votes and the declaration of results. Term of Patent is 20 years from the date of application.

**Que 4.6.** Discuss the role of the Election Commission in ensuring free and fair elections in India.

**Answer**

1. The Election Commission of India (ECI) plays a crucial role in ensuring free and fair elections, which are foundational to India's democracy.
2. Through its authority, the ECI enforces the Model Code of Conduct, which curtails misuse of power by political parties and candidates during campaigns, promoting an equitable environment.
3. By regulating campaign finance and monitoring expenditure, the ECI minimizes undue influence and prevents wealth from overshadowing democratic choice.
4. The ECI also safeguards the electoral roll by verifying voter identities and ensuring only eligible citizens can vote.
5. During elections, the ECI deploys central forces and oversees local law enforcement to maintain order at polling stations and prevent coercion or violence. 6. Additionally, the use of electronic voting machines (EVMs) and Voter Verifiable Paper Audit Trail (VVPAT) systems, managed by the ECI, enhances transparency and accuracy in vote counting.
7. By implementing stringent rules, monitoring campaigns, and using technology, ECI makes the electoral process trustworthy and accessible to all citizens.

**Que 4.7.** What are the limitations on the powers of the Election Commission of India ?

**Answer**

Following are the limitations on the powers of the Election Commission of India :

1. **No legislative power** : The ECI can recommend electoral reforms but cannot enact or enforce new laws; this is the prerogative of Parliament.
2. **Limited penalty enforcement** : The ECI can enforce the Model Code of Conduct but lacks the authority to impose severe penalties. More substantial punitive measures require judicial or legislative intervention.
3. **Dependence on government for reforms** : The ECI's suggested reforms, such as transparency in political funding, depend on the government's willingness to implement them.
4. **Restricted control over political funding** : The ECI's regulatory power over party funding is limited to the election period, leaving pre-election financial activities largely unchecked.

**5. Vulnerability to political influence** : Appointments to the ECI, including that of the Chief Election Commissioner, are made by the President, potentially leading to political influence over its independence.

**Que 4.8.** How is the Chief Election Commissioner of India appointed, and what is their term of office ?

**Answer**

**A. Appointment of Chief Election Commissioner of India :**

1. The Chief Election Commissioner (CEC) of India is appointed by the President of India.
2. This appointment process does not require a formal selection committee, leaving the decision largely to the discretion of the executive branch.
3. The CEC is typically chosen from among senior civil servants with a background in public administration, ensuring they possess the experience needed to oversee the election process.

**B. Term of office of Chief Election Commissioner of India :**

1. The term of office for the Chief Election Commissioner is six years or until they reach the age of 65, whichever comes earlier.
2. This tenure is structured to provide stability and continuity in the Election Commission's functioning.
3. However, the CEC can be removed from office before their term ends only through a process similar to the removal of a Supreme Court judge, which requires a two-thirds majority in both houses of Parliament, ensuring a high degree of independence.

**Que 4.9.** Explain the independence of the Election Commission of India and how it is maintained.

**Answer**

1. The independence of the Election Commission of India (ECI) is critical to ensuring free and fair elections, a foundation of Indian democracy.
2. This independence is maintained through several constitutional and institutional safeguards.
3. Firstly, Article 324 grants the ECI autonomy, empowering it to function without interference from the executive or legislative branches in election-related matters.
4. The Chief Election Commissioner (CEC) and Election Commissioners have security of tenure, serving a term of six years or until the age of 65.

5. They can be removed only by a rigorous process, similar to that of a Supreme Court judge, requiring a two-thirds majority in both houses of Parliament.
6. This protection prevents arbitrary removal and shields the ECI from political pressure.
7. Additionally, the ECI has the authority to enforce the Model Code of Conduct, regulate campaigns, monitor political funding, and oversee voting processes, further supporting its operational independence.
8. By relying on transparent procedures and established protocols, the ECI can act impartially, maintaining public confidence in the electoral system and safeguarding the democratic process.

**Que 4.10.** Describe the process and role of the Election Commission in conducting Lok Sabha and Assembly elections.

**Answer**

A. Process of conducting elections :

1. **Announcement of dates :** The ECI announces the election schedule and enforces the Model Code of Conduct.
2. **Finalizing electoral roll :** Updates and verifies the electoral roll to ensure only eligible voters are registered.
3. **Nomination process :** Manages candidate nominations, verifies eligibility, and allocates symbols to candidates.
4. **Monitoring campaigns :** Oversees campaign expenditures, regulates media coverage, and prevents hate speech to maintain fair competition.
5. **Polling day arrangements :** Organizes polling stations, deploys security, and ensures the smooth functioning of Electronic Voting Machines (EVMs).
6. **Vote counting and results :** Supervises counting, validates results, and officially announces winners.

B. Role of the Election Commission :

1. **Ensuring fair play :** Enforces the Model Code of Conduct to regulate political activities and prevent misuse of power.
2. **Maintaining voter integrity :** Verifies voter eligibility and updates the electoral roll, reducing the risk of fraud.
3. **Transparency in campaigns :** Monitors campaign finance and media to ensure transparency.
4. **Security and order :** Deploys central and local security forces to maintain order and prevent coercion at polling stations.

5. **Upholding democratic choice :** Guarantees a free, unbiased electoral process, allowing citizens to exercise their democratic right.

**Que 4.11.** What steps does the Election Commission take to prevent electoral malpractice in India ?

**Answer**

Following steps are taken by the Election Commission to prevent electoral malpractice :

1. **Enforcing the Model Code of Conduct :** Implements strict guidelines for candidates and parties to prevent misuse of power, restricts excessive spending, and regulates campaign speech.
2. **Monitoring campaign finance :** Limits campaign expenditure and requires disclosure of funding sources to ensure transparency and prevent undue influence.
3. **Supervising media coverage :** Regulates media and prevents biased reporting or paid news that could unfairly sway public opinion.
4. **Curbing online misinformation :** Establishes guidelines for social media to prevent the spread of misinformation and fake news during elections.
5. **Secure voting mechanisms :** Uses Electronic Voting Machines (EVMs) with Voter Verifiable Paper Audit Trail (VVPAT) to enhance voting transparency and accuracy.
6. **Deploying security forces :** Ensures the presence of security personnel at polling stations to prevent voter intimidation and violence.
7. **Voter education and awareness :** Promotes awareness programs to educate voters on their rights and encourages reporting of malpractices.

**Que 4.12.** What are the articles related to ECI ?

**Answer**

Following are the important articles related to ECI :

|             |  |
|-------------|--|
| Article 324 | Superintendence, direction and control of elections to be vested in an Election Commission.  |
| Article 325 | No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex. |
| Article 326 | Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage.                           |

|             |  |
|-------------|--|
| Article 327 | Power of Parliament to make provision with respect to elections to Legislatures.                 |
| Article 328 | Power of Legislature of a State to make provision with respect to elections to such Legislature. |
| Article 329 | Bar to interference by courts in electoral matters.  |

**PART-2****Types of Emergency-Grounds, Procedure, Duration and Effects.**

**Que 4.13.** What is a National emergency ? What are the different types of emergencies in the Indian Constitution ?

**Answer**

- A. **National emergency :** A National emergency is defined as a situation which is not normal, and calls for urgent remedial action.
- B. **Types of emergencies :** The Indian Constitution provides for three types of emergencies :
  1. **National emergency (Article 352) :** This type of emergency is declared when there is a threat to India's security due to war, external aggression, or armed rebellion. During a national emergency, the central government gains more power, and fundamental rights can be restricted.
  2. **State emergency or President's Rule (Article 356) :** This emergency is declared when a state government fails to function as per the Constitution. It can be imposed if the President believes the state's governance is breaking down. During this time, the central government takes over the state administration.
  3. **Financial emergency (Article 360) :** This is declared when India's financial stability is under threat. Under this emergency, the government can reduce salaries of government employees and control financial decisions to stabilize the economy.

**Que 4.14.** Explain the grounds for declaring a National Emergency in India.

**Answer**

A National Emergency in India can be declared by the President of India (Under Article 352) based on three main grounds :

1. **War (External emergency) :** When India is in a declared state of war with another country, the security and stability of the nation are at risk. The government can declare an emergency to manage the crisis effectively.
2. **External Aggression (External emergency) :** If there is a serious threat of attack from a foreign country or if foreign forces attack India, a National Emergency can be declared. This allows the government to act quickly to protect the country from foreign threats.
3. **Armed Rebellion (Internal emergency) :** If there is large-scale violence within the country, such as an uprising that threatens public safety and the authority of the government, an emergency can be declared. This helps control and restore order.

**Que 4.15.** What is the procedure for declaring a National Emergency in India ?

**Answer**

The procedure for declaring a National Emergency in India involves these steps :

1. **Recommendation :** The Prime Minister and the Cabinet must first recommend declaring a National Emergency to the President. This ensures that the decision is supported by the central government.
2. **Presidential proclamation :** Once the recommendation is given, the President can issue a proclamation to declare a National Emergency under Article 352 of the Indian Constitution. This is the official declaration.
3. **Approval by parliament :** After the proclamation, Parliament must approve the emergency within one month. Both the Lok Sabha and the Rajya Sabha need to pass it by a special majority—meaning more than half of the total members and two-thirds of the members present and voting must agree.

**Que 4.16.** How long can a National Emergency remain in effect, and what are the conditions for its extension ?

**Answer**

A National Emergency in India can initially remain in effect for six months. After this period, it doesn't automatically end. Instead, Parliament must review it and decide if it should continue. Here's how it works :

1. **Extension conditions :** If the emergency needs to continue beyond six months, both the Lok Sabha and the Rajya Sabha must approve an extension. This approval requires a special majority—more than half of the total members and two-thirds of the members present and voting in each house must agree.

2. **Unlimited extensions :** The emergency can be extended indefinitely in six-month periods, as long as each extension is approved by Parliament.
3. **Revocation :** The President can also end the emergency anytime if the Lok Sabha passes a resolution against it, or if the conditions that led to the emergency improve.

**Que 4.17.** Discuss the effects of a National Emergency on fundamental rights and governance.

**Answer**

- A. **Effect on fundamental rights :** The impact of a national emergency on fundamental rights is described in Articles 358 and 359 of the Constitution :
1. **Article 358 :** Suspension of fundamental rights under Article 19 :
    - i. The six fundamental rights under Article 19 are immediately suspended when a proclamation of national emergency is made under article 358 on the grounds of war and external aggression.
    - ii. Their suspension does not require a separate President's order.
    - iii. If the emergency is declared on the grounds of internal rebellion, the fundamental rights are not suspended automatically.
  2. **Article 359 :** Suspension of other fundamental rights :
    - i. The President is authorized to suspend the right to petition any court for the enforcement of fundamental rights.
    - ii. However, the right to judicial remedy for the enforcement of Articles 20 and 21 cannot be suspended in any case.
- B. **Effect on the centre-state relations :** While a proclamation of Emergency is in force, the normal fabric of centre-state relations undergoes a basic change. This can be studied under three heads :
1. **Executive :** During a National emergency, the centre's executive authority extends to advising any state on how to exercise its executive authority.
  2. **Legislative :** The parliament has the authority to enact laws on any item included in the state list during a national emergency.
  3. **Financial :** During a National emergency, the President is empowered to modify the provisions regarding the distribution of revenues between the Union and the States.

**Que 4.18.** What are the grounds for declaring a State Emergency (President's Rule) in India ?

**Answer**

A State Emergency, also called President's Rule, can be declared in an Indian state if the President believes the state government is not functioning according to the Constitution. Following are the main grounds :

1. **Failure of constitutional machinery :** If the state government is unable to work as per the Constitution, the central government can step in. For example, if a state government cannot maintain law and order, protect citizens rights, or properly govern, President's Rule may be imposed.
2. **No Majority in the state legislature :** If a political party loses its majority in the state assembly, it may not be able to prove that it has enough support to govern. In such cases, if no other party can form a stable government, the President's Rule can be applied.
3. **Situations of political instability :** When there are frequent changes in government or conflicts within the state leadership that disrupt governance, the central government may decide that a State Emergency is needed.

**Que 4.19.** Explain the procedure for imposing a State Emergency and its duration.

**Answer**

The procedure for imposing a State Emergency (President's Rule) in India follows these steps :

1. **Governor's report :** The process usually starts with a report from the state's Governor. If the Governor believes the state government isn't working according to the Constitution, they send a report to the President, recommending President's Rule.
2. **Presidential proclamation :** Based on the Governor's report or other sources, the President can declare a State Emergency. This proclamation brings the state under the control of the central government.
3. **Parliamentary approval :** The President's Rule must be approved by both houses of Parliament—Lok Sabha and Rajya Sabha—within two months of the declaration. This approval requires a simple majority (more than half of the members present and voting).
4. **Duration :** Once approved, President's Rule lasts for six months. It can be extended, but only for a maximum of three years. Each extension requires parliamentary approval every six months.

5. **Revocation** : The President can end the State Emergency anytime if the situation in the state improves or if a stable government is formed.

**Que 4.20.** Describe the effects of a State Emergency on the state's administration and legislative powers.

**Answer**

During a State Emergency the administration and legislative powers of the state undergo following changes :

1. **State government suspended** : The elected state government is temporarily dismissed, and the Governor acts as the head of the state on behalf of the President. The Governor runs the administration with help from central government officers, ensuring the state is managed directly by the central authority.
2. **Legislative powers taken over by parliament** : The state legislative assembly is either dissolved or kept suspended. During this time, Parliament takes over the power to make laws on matters that are usually handled by the state. This ensures that the state's needs are still addressed through legislation.
3. **Control over state finances** : The central government also controls the financial powers of the state. This allows it to allocate resources as needed to maintain stability and public welfare.

**Que 4.21.** What is Financial Emergency, and on what grounds can it be declared in India ?

**Answer**

- A. **Financial Emergency** : It is a type of emergency in India declared when the country's financial stability or credit is at serious risk. This is provided for under Article 360 of the Indian Constitution.
- B. **Grounds for Declaration** : A Financial Emergency can be declared if there is a threat to the economic health of the country, such as :
1. **Financial instability** : If the government finds it difficult to manage the country's finances, either due to a large economic crisis, severe financial deficits, or a drastic fall in national income, it may consider a financial emergency.
  2. **Threat to India's credit** : If India's financial reputation or ability to repay loans and manage debts is in danger, this can also be grounds for declaring a financial emergency.

**Que 4.22.** Discuss the effects and consequences of a Financial Emergency in India.

**Answer**

Following are the effects and consequences of a Financial Emergency in India :

1. **Control over government spending** : During a Financial Emergency, the central government can reduce the salaries and allowances of all government employees, including those working for the state governments. This helps to reduce expenses and manage limited funds better.
2. **Power over state budgets** : The central government can direct state governments on how to spend their money. It can even give orders on financial matters that states usually control. This ensures that funds are used wisely during the crisis.
3. **Postponement of financial responsibilities** : The government may delay some payments or debt obligations to stabilize the economy. This helps prevent further financial stress on the country.
4. **Impact on development projects** : Financial restrictions may slow down ongoing projects and programs as funds are focused on essential services.

**Que 4.23.** Compare the different types of emergencies and their impact on the Constitution and governance.

**Answer**

| S. No. | Type of Emergency  | Grounds for Declaration                         | Impact on Fundamental Rights   | Effect on Governance  |
|--------|--------------------|---|--|---|
| 1.     | National emergency | War, external aggression, or armed rebellion.   | Certain rights, especially Article 19, can be restricted; some rights (like Articles 20 and 21) are protected. | Central government gains more power over states; Parliament can make laws on state subjects.                                |
| 2.     | State emergency    | Failure of constitutional machinery in a state. | Fundamental rights usually remain unaffected.  | State government is suspended; Governor runs the state on behalf of the President; Parliament makes laws on state subjects. |

|    |                     |   |   |  |
|----|---------------------|---|---|--|
| 3. | Financial emergency | Threat to financial stability or credit of India. | No direct impact on fundamental rights. | Central government controls financial matters; can reduce salaries of government employees; directs state governments on spending. |
|----|---------------------|---|---|--|

**PART-3***Amendment of the Constitution-Meaning, Procedure and Limitations.*

**Que 4.24.** What is meant by an amendment to the Constitution of India ?

**Answer**

1. An amendment to the Constitution of India means making changes, additions, or deletions to the Constitution.
2. This process allows the Constitution to be updated to meet new needs and situations in the country.
3. Amendments can help address changes in society, improve government functioning, or clarify existing rules.
4. The process of amending the Constitution is outlined in Article 368.
5. There are three main types of amendments: simple majority, special majority, and special majority with state approval.
6. Through amendments, the Constitution remains relevant and adaptable, allowing it to grow with the nation's evolving needs.

**Que 4.25.** Explain the procedure for amending the Constitution of India.

**Answer**

The procedure for amending the Constitution of India is given in Article 368. Here's how it works :

1. **Proposal of Amendment :** An amendment can be proposed in either house of Parliament—the Lok Sabha or the Rajya Sabha. It must be introduced as a bill.

**2. Passing the Amendment :**

- i. Most amendments require a special majority. This means at least two-thirds of the members present and voting in each house must agree to the change. Also, more than half of the total members of each house must support it.
- ii. For amendments affecting the powers of states or the federal structure, the bill must be passed by a special majority in Parliament and approved by at least half of the state legislatures.

**3. President's Approval :**

- i. Once both houses of Parliament pass the bill, it goes to the President for approval.
- ii. The president must give his assent to the bill. He can neither withhold his assent to the bill nor return the bill for reconsideration by the Parliament.
- iii. After the President's assent, the bill becomes a constitutional amendment act.

**Que 4.26.** What are the different types of constitutional amendments in India ?

**Answer**

In India, constitutional amendments are of three main types :

1. **Amendment by simple majority :** Some changes to the Constitution require only a simple majority in Parliament, meaning more than half of the members present and voting. These changes are usually minor, like adjusting the rules of Parliament or reorganization of territories.
2. **Amendment by special majority :** Most significant amendments need a special majority in both the Lok Sabha and Rajya Sabha. This means two-thirds of the members present and voting, plus more than half of the total members, must approve. This process is used for important changes, such as altering the powers of Parliament or changes in fundamental rights.
3. **Amendment by special majority and state approval :** For amendments that affect the federal structure—like changing the powers of states or the relationship between states and the central government—approval is needed from both Parliament (by special majority) and at least half of the state legislatures.

**Que 4.27.** Discuss the role of Parliament in the constitutional amendment process.

**Answer**

Following is the role of Parliament in the constitutional amendment process :

- Proposing an amendment :** The amendment process starts in Parliament, where either the Lok Sabha or the Rajya Sabha can introduce an amendment bill. This bill does not require the President's prior permission.
- Debating and voting :** Parliament then debates the amendment bill. To pass most amendments, a special majority is needed. This means at least two-thirds of the members present and voting must agree, and more than half of the total members of each house must support the change.
- Involving states for certain amendments :** For amendments that affect states, like changes to state powers or the federal structure, Parliament must not only pass the amendment but also get approval from at least half of the state legislatures.
- President's role :** After both houses of Parliament approve the amendment, it goes to the President for formal approval. The President must sign it; they cannot refuse it.

**Ques 4.28.** What limitations are placed on the amendment of the Constitution in India?

**Answer**

Following limitations are placed on the amendment of the Constitution in India to ensure that its essential structure remains intact:

- Basic structure doctrine :** The Supreme Court established this rule in the Kesavananda Bharati case (1973). According to this doctrine, Parliament cannot change the "basic structure" or fundamental principles of the Constitution, even by amendment. Elements like democracy, rule of law, fundamental rights, and judicial independence are part of this basic structure.
- Protection of fundamental rights :** Amendments cannot destroy or take away the core of fundamental rights. For example, Parliament cannot amend the Constitution to eliminate the right to equality or freedom of speech, as they are essential to a democratic society.
- Federal structure :** The balance between the central and state governments must be respected. Amendments cannot completely alter this federal arrangement without broad consent, including approval from states.

**Ques 4.29.** Explain the concept of the "Basic Structure Doctrine" and its relation to constitutional amendments.

**Answer**

The Basic Structure Doctrine is a concept in Indian law that prevents certain core parts of the Constitution from being changed through

amendments. It was introduced by the Supreme Court in the Kesavananda Bharati case (1973), where the Court ruled that while Parliament has the power to amend the Constitution, it cannot alter its "basic structure."

**Key points of the doctrine :** The doctrine means that some essential principles, such as democracy, rule of law, judicial independence, federalism, and fundamental rights, form the "basic structure" of the Constitution. These elements cannot be destroyed or weakened, even by constitutional amendments.

**Relation to amendments :** This doctrine limits Parliament's amendment power under Article 368. If an amendment attempts to change or damage the basic structure, the Supreme Court can declare it invalid. This ensures that while the Constitution can evolve to meet new needs, its core values and purpose remain protected.

**Ques 4.30.** How does the judiciary play a role in reviewing constitutional amendments in India?

**Answer**

In India, the judiciary plays an important role in reviewing constitutional amendments to ensure they respect the Constitution's core principles. The Supreme Court has the power to examine any amendment passed by Parliament to check if it aligns with the Constitution.

**Judicial review :** The Supreme Court can use its power of judicial review to examine amendments made by Parliament. This means the Court can decide if an amendment is valid or if it violates the Constitution.

**Basic structure doctrine :** The Court uses the basic structure doctrine established in the Kesavananda Bharati case, 1973 as a standard. According to this doctrine, amendments cannot change the Constitution's essential features, like democracy, fundamental rights, and judicial independence. If an amendment threatens these core principles, the Court can declare it unconstitutional.

**Protection of fundamental rights :** The judiciary ensures that amendments do not destroy or take away essential rights of citizens, preserving the democratic foundation of the country.

Through this role, the judiciary protects the Constitution's integrity, ensuring amendments support India's democratic and constitutional values.

**Ques 4.31.** Describe the significance of the 42nd and 44th amendments in the context of constitutional changes.

**Answer**

The 42nd and 44th amendments are two important amendments in India that brought significant changes to the Constitution.

**A. 42nd Amendment (1976) :**

1. Known as the "Mini-Constitution," this amendment was passed during the Emergency period under Prime Minister Indira Gandhi.
2. It aimed to give more power to the central government and limit the role of the judiciary.
3. It added words like "socialist" and "secular" to the Preamble, made changes to fundamental duties, and reduced the power of judicial review.
4. The amendment also aimed to strengthen Parliament's power over the states and made it harder for the judiciary to challenge Parliament's decisions.

**B. 44th Amendment (1978) :**

1. Passed after the Emergency, this amendment reversed many changes made by the 42nd Amendment.
2. It restored some powers to the judiciary, giving it a stronger role in protecting citizen's rights.
3. Importantly, it made it harder to declare a National Emergency by requiring approval from the Cabinet and Parliament.
4. It also protected certain fundamental rights, especially Articles 20 and 21 (protection in legal matters and right to life).

**Que 4.32.** Can fundamental rights be amended? Discuss with reference to key Supreme Court cases.

**Answer**

Yes, fundamental rights can be amended, but there are limits. The Supreme Court of India has ruled on this in following key cases, balancing Parliament's power to amend with the need to protect citizens core rights:

1. **Shankari Prasad Case (1951)** : In this early case, the Supreme Court ruled that Parliament could amend any part of the Constitution, including fundamental rights, under Article 368.
2. **Golak Nath Case (1967)** : The Court reversed its earlier view, stating that fundamental rights cannot be amended. This decision limited Parliament's power, as it protected citizen's basic rights from any change.
3. **Kesavananda Bharati Case (1973)** : In a landmark judgment, the Court introduced the Basic Structure Doctrine. It ruled that Parliament can amend fundamental rights but cannot alter the Constitution's "basic structure." This means essential principles, like democracy and rule of law, must remain unchanged.
4. **Minerva Mills Case (1980)** : The Court reaffirmed that amending fundamental rights is allowed as long as it doesn't affect the Constitution's basic structure.

**Que 4.33.** What are the criticisms of the amendment procedure under the Indian Constitution?

**Answer**

The procedure for amendment of the Indian constitution has been criticized on the following grounds :

1. There is no provision for a special body for amending the Constitution such as the Constitutional Convention or Constitutional Assembly. The constituent power is vested in the Legislative Body itself i.e. the Parliament and the State Legislatures (in a few cases).
2. There is no provision for a special process for amending the Constitution. Except for the requirement of Special Majority, the process of amendment is similar to that of a legislative process.
3. The power to initiate an amendment lies only with the Parliament. The states have no such powers (except for passing a resolution to create or abolish state legislative councils).
4. A major part of the Constitution can be amended by the Parliament alone. Only in a few cases, the consent of the state legislatures is required, and that too, only half of them.
5. Lack of provision for holding a joint sitting of both Houses of Parliament for a constitutional amendment bill, sometimes, leads to the situation of a deadlock.
6. The provisions relating to the amendment procedure, being too sketchy, leave a wide scope for creating disputes and taking the matters to the judiciary.



# 5

UNIT

## Business Organizations and E-Governance

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Business Organizations & E-Governance

### PART-1

*Sole Traders, Partnerships, Companies : The Company's Act :  
Introduction, Formation of a Company.*

**Que 5.1.** What do you mean by sole trader/proprietorship ? What are legal aspect and liability of sole trader ?

**Answer**

A. Sole trader/proprietorship :

1. A sole trader is a type of business owned and run by one person.
2. The owner has complete control over the business, makes all decisions, and keeps all profits.
3. This is the simplest form of business structure, often used by small businesses, freelancers, and independent professionals.

B. Legal aspects of a sole trader :

1. **Easy to start :** No formal registration is required in most cases; minimal paperwork is needed.
2. **Single ownership :** The owner is fully responsible for managing the business.
3. **Tax filing :** Profits are taxed as part of the owner's personal income, so separate business tax is not required.
4. **No separate legal entity :** The business and the owner are legally the same.

C. Liability of a sole trader :

1. **Unlimited liability :** The owner is personally responsible for all business debts and obligations. Personal assets (like a home or car) can be used to repay business debts.
2. **Risk of loss :** If the business suffers losses, the owner bears them alone.

**Que 5.2.** Mention the advantages and disadvantages of sole trader/proprietorship.

**Answer**

A. Advantages of sole trader :

1. **Easy to start :** Setting up is simple, with minimal paperwork and no complex legal requirements.

2. **Full control :** The owner makes all decisions, allowing for flexibility and quick responses.
3. **Keep all profits :** All profits go directly to the owner, increasing personal earnings.
4. **Less regulatory compliance :** Fewer formalities and regulations compared to other business types.
5. **Tax benefits :** Profits are taxed as personal income, often resulting in lower taxes.

**B. Disadvantages of sole trader :**

1. **Unlimited liability :** The owner is personally liable for all business debts, putting personal assets at risk.
2. **Limited resources :** Raising capital is challenging since banks may hesitate to lend to sole traders.
3. **Limited growth :** With fewer resources and limited capacity, business expansion can be difficult.
4. **Lack of continuity :** If the owner stops working or passes away, the business usually ends.
5. **Heavy workload :** The owner is responsible for all tasks, from management to finances, leading to potential stress.

**Que 5.3.** What do you understand by the term partnership? What are the features of partnership? Also mention the types of partners.

**Answer**

**A. Partnership :**

1. A partnership is a business arrangement where two or more people agree to share ownership, profits, and responsibilities.
2. Each partner contributes to the business, either by investing money, sharing skills, or both.
3. Partnerships are common for small and medium-sized businesses as they allow people to combine resources and expertise.

**B. Features of partnership :**

1. **Shared ownership :** Two or more individuals own and manage the business together.
2. **Profit and loss sharing :** Partners share profits and losses based on an agreed ratio.
3. **Mutual decision-making :** All partners contribute to important business decisions.
4. **Unlimited liability :** In most partnerships, partners are personally liable for business debts.

5. **Written agreement :** Often, a partnership deed outlines terms and responsibilities to avoid disputes.
- C. Types of partners :**
1. **Active partner :** Actively involved in day-to-day business operations.
  2. **Sleeping partner :** Invests capital but doesn't participate in management.
  3. **Nominal partner :** Lends their name to the business but doesn't invest or participate actively.
  4. **Limited partner :** Liability is limited to their investment, but they don't manage the business.
  5. **Secret partner :** Invests and participates but isn't publicly known as a partner.

**Que 5.4.** Mention the advantages and disadvantages of partnership.

**Answer**

**A. Advantages of partnership :**

1. **Combined resources :** Partners can pool their money, skills, and knowledge, increasing business potential.
2. **Shared responsibility :** Tasks and responsibilities are divided, reducing the workload on each partner.
3. **Easy to start :** Partnerships have fewer formalities and legal requirements than corporations.
4. **Better decision-making :** Different perspectives help in making well-rounded business decisions.
5. **Tax benefits :** Profits are taxed as personal income, often resulting in lower taxes compared to corporations.

**B. Disadvantages of partnership :**

1. **Unlimited liability :** In most partnerships, partners are personally liable for business debts, risking personal assets.
2. **Profit sharing :** Profits are divided among partners, reducing individual earnings.
3. **Disagreements :** Conflicts may arise in decision-making, affecting business harmony.
4. **Limited life :** The partnership may dissolve if a partner leaves, retires, or passes away.
5. **Limited capital :** Raising funds can be difficult as partnerships have fewer financing options than corporations.

**Que 5.5.** Describe company Act. Explain formation of company.

AKTU 2021-22 (Sem-5), Marks 10

OR

Discuss the provisions of formation of a company under Indian Companies Act.

AKTU 2022-23 (Sem-5), Marks 10

#### Answer

##### A. Company Act, 2013 :

1. The Companies Act, 2013, is a law in India that regulates the formation, functioning, and management of companies.
2. It replaced the older Companies Act, 1956, with modern rules for better corporate governance, transparency, and accountability.
3. The Act provides guidelines for various types of companies, including private, public, and one-person companies.
4. The act regulates the incorporation, responsibilities, directors and dissolution of a company in India.
5. The Act provides more power to the shareholders and emphasizes more on Corporate Governance.

##### B. Formation of company :

1. **Approval of name :** Select a unique name for the company and get it approved by the Registrar of Companies (ROC).
2. **Types of company :** Decide the type of company to be registered, such as private, public, or one-person company, as each has different requirements.
3. **Drafting documents :** Prepare the Memorandum of Association (MOA) and Articles of Association (AOA). The MOA defines the company's objectives, while the AOA outlines its internal rules.\*
4. **Appointment of directors :** Appoint at least two directors for a private company and three for a public company, meeting the eligibility criteria as per the Act.
5. **Submitting documents :** Submit MOA, AOA, and other required documents, like the identity and address proof of directors and shareholders, to the ROC.
6. **Payment of fees :** Pay registration fees and stamp duty as required.
7. **Certificate of incorporation :** After verification, the ROC issues a Certificate of Incorporation, officially creating the company.
8. **Commencement of business :** For some companies, a certificate of commencement may be required to start operations.

**Que 5.6.** Describe Company Act, 1956 and explain formation of company.

AKTU 2023-24 (Sem-5), Marks 05

#### Answer

##### A. Company Act, 1956 :

1. The Companies Act, 1956, was a foundational law in India that regulated the creation, operation, and closure of companies.
2. This Act established the legal structure under which companies operated, outlining clear rules for both public and private companies.
3. The Act specified the process for forming a company, requiring the submission of necessary documents and obtaining a Certificate of Incorporation, which gave the company its legal status.
4. The Act also defined the roles and responsibilities of directors and officers, ensuring companies were managed efficiently and ethically.
5. It protected the rights of shareholders, giving them a voice in company decisions through meetings and voting rights.
6. Additionally, it mandated companies to maintain transparent financial records and undergo regular audits, promoting accountability.
7. The Act also provided detailed provisions on winding up a company, setting out guidelines for liquidating assets and clearing liabilities.
8. Over time, the Companies Act, 1956, was replaced by the Companies Act, 2013, to modernize and simplify corporate laws, making them more relevant to current business practices.

##### B. Formation of company : Refer Q. 5.5, Page 5-5P, Unit-5.

**Que 5.7.** What is a joint stock company ? Discuss its characteristics.

AKTU 2022-23 (Sem-6), Marks 10

#### Answer

##### A. Joint stock company :

1. A joint stock company is a type of business organization where the ownership is divided into shares.
2. People who buy these shares become shareholders and collectively own the company.
3. Joint stock companies can be private or public, with the latter allowing shares to be traded on the stock market.

4. This structure is commonly used for larger businesses.
- B. Characteristics of joint stock company :** It has following key characteristics :
- Separate legal entity :** The company is a separate legal entity from its shareholders, meaning it can own property, enter contracts, and be sued in its own name.
  - Limited liability :** Shareholders are only responsible for the company's debts up to the value of their shares, protecting their personal assets.
  - Transferable shares :** Shares can be bought and sold, allowing owners to transfer their ownership easily.
  - Perpetual existence :** The company continues to exist even if shareholders change or pass away.
  - Professional management :** Managed by a board of directors appointed by shareholders, ensuring efficient administration.

**PART-2**

*Memorandum of Association, Articles of Association, Prospectus, Shares, Directors, General Meetings and Proceedings, Auditor, Winding up.*

**Que 5.8.** Explain the Memorandum of Association of a company.

**Answer**

- The Memorandum of Association (MOA) is a key legal document that establishes the basic framework and objectives of a company.
- It serves as a blueprint, outlining the company's purpose, identity, and the extent of its powers.
- The MOA is essential for the company's registration and must be filed with the Registrar of Companies, making it a publicly accessible document.
- This ensures transparency by letting the public know the scope of the company's activities and its fundamental details.
- The MOA includes the company's name, which must be unique and approved to avoid confusion with other businesses.
- It also provides the location of the company's registered office, which determines its legal jurisdiction.
- Additionally, the MOA defines the main objectives of the company, specifying the activities it can engage in.

- 5-8 P (NCC-Sem-5 & 6)
- It describes the liability of shareholders, usually limiting it to the amount they have invested.
  - The MOA also outlines the company's authorized share capital and records the intent of its founders to create the company.
  - This document binds the company to its stated objectives, protecting shareholders and maintaining legal clarity.

**Que 5.9.** What is the Articles of Association (AoA) of a company ?

**Answer**

- The Articles of Association (AoA) is a key document that outlines the internal rules and regulations governing a company's operations.
- It acts like a rulebook for the company, detailing the procedures and responsibilities for managing the business.
- While the MOA defines the company's purpose and objectives, the AoA explains how the company will achieve those objectives in daily practice.
- The AoA includes rules on how directors are appointed and removed, how meetings are conducted, and the rights and duties of shareholders.
- It also explains the process for issuing and transferring shares, managing finances, and handling company records.
- Additionally, the AoA provides guidance on how decisions are made within the company, outlining voting rights and decision-making procedures.
- By defining these internal processes, the AoA ensures smooth functioning and helps avoid conflicts among directors, shareholders, and other stakeholders.
- It is a legally binding document that guides the company's management and aligns everyone with the company's policies and procedures.

**Que 5.10.** Discuss about the Memorandum of Association and Articles of Association in Business Organizations.

AKTU 2021-22 (Sem-6), Marks 10

**Answer**

- Memorandum of Association :** Refer Q. 5.8, Page 5-7P, Unit-5.
- Articles of Association :** Refer Q. 5.9, Page 5-8P, Unit-5.

**Que 5.11.** Differentiate between memorandum and articles of association.

AKTU 2020-21 (Sem-5), Marks 10

AKTU 2022-23 (Sem-5), Marks 10

AKTU 2022-23 (Sem-6), Marks 10

**Answer**

| S. No. | Basis              | Memorandum of Association (MOA)  | Articles of Association (AoA)  |
|--------|--------------------|--|--|
| 1.     | Purpose            | Defines the overall objectives and scope of the company.                           | Outlines the internal rules and regulations for managing the company.    |
| 2.     | Focus              | Establishes the company's purpose and relationship with the outside world.         | Details procedures for internal management and operations.               |
| 3.     | Necessity          | Required for company registration; mandatory.                                      | Also required for registration but secondary to the MOA.                 |
| 4.     | Contents           | Includes company name, registered office, objectives, liability, and capital.      | Covers director roles, meeting rules, voting rights, and share transfer. |
| 5.     | Legal standing     | Considered the primary document, cannot be changed easily.                         | Can be amended more flexibly by passing a special resolution.            |
| 6.     | Scope of authority | Limits the activities the company can undertake (outside these, actions are void). | Defines how the MOA's objectives will be achieved internally.            |
| 7.     | Binding parties    | Binds the company to the public and its shareholders.                              | Binds members and management within the company.                         |

**Que 5.12.** Define prospectus. Explain its types.

AKTU 2021-22 (Sem-5), Marks 10

AKTU 2022-23 (Sem-6), Marks 10

**Answer****A. Prospectus :**

1. A prospectus is an official document that a company issues to invite the public to buy its shares or debentures.
2. It provides detailed information about the company, its financial health, and the terms of the investment, helping potential investors make informed decisions.

3. A prospectus is usually issued when a company plans to raise capital from the public.
4. A prospectus must be in writing. An oral invitation to subscribe is not a prospectus.
5. A document is not a prospectus unless it is an invitation to the public.

**B. Types of prospectus :**

1. **General prospectus :** A standard document issued to the public with details about the company's financials, risk factors, and terms of the offering.
2. **Deemed prospectus :** Issued when a company offers its securities through intermediaries or brokers, meaning it indirectly invites the public to invest.
3. **Abridged prospectus :** A summarized version containing essential information. It's provided with application forms to give investors a quick overview.
4. **Shelf prospectus :** Used by companies issuing securities in multiple stages over time. It avoids the need for a new prospectus each time, as it's valid for one year.
5. **Red Herring prospectus :** A preliminary prospectus issued without specifying the price of securities. It's often used for initial public offerings (IPOs).

**Que 5.13.** What are shares ? Explain different types of shares.

AKTU 2022-23 (Sem-6), Marks 10

OR

What do you understand by the term shares ? What are the types of share ?

**Answer****A. Shares :**

1. Shares represent units of ownership in a company.
2. When someone buys shares, they become a part-owner or shareholder in that company and may receive a portion of its profits, known as dividends.
3. Shares also give shareholders voting rights in major company decisions, depending on the type of share they own.

**B. Types of shares :**

1. **Equity shares :** Also called ordinary shares, these are the most common. Equity shareholders have voting rights and may receive dividends, but dividends are not guaranteed. Their returns depend on the company's profits.

2. **Preference shares :** Preference shareholders get priority over equity shareholders in receiving dividends and during the company's liquidation. Dividends are often fixed but typically don't include voting rights.
3. **Bonus shares :** These are additional shares given to existing shareholders at no extra cost, usually issued when the company has high profits.
4. **Rights shares :** Offered to existing shareholders at a discounted rate, allowing them to buy more shares before the company offers them to the public.
5. **Convertible shares :** Preference shares that can be converted into equity shares after a certain period.

**Que 5.14.** | Describe Director/Board of Directors in business Organization. Also list different type of directors.

**Answer**

**A. Director or Board of Directors :**

1. A Director or Board of Directors in a business organization is a group of individuals responsible for overseeing the company's operations and making key decisions.
2. They set company policies, make strategic plans, and ensure the company is moving toward its goals.
3. Directors act as representatives of shareholders and safeguard their interests.
4. The board's role includes approving budgets, managing risks, and ensuring the company complies with laws and regulations.

**B. Types of Directors :**

1. **Executive Director :** Actively involved in day-to-day management. Often a full-time employee of the company.
2. **Non-Executive Director :** Not involved in daily operations but participates in board meetings and strategic decisions.
3. **Independent Director :** Not related to the company's management or shareholders. Brings an unbiased perspective.
4. **Nominee Director :** Appointed by shareholders, creditors, or financial institutions to represent their interests.
5. **Managing Director :** Has significant authority and is responsible for overall business operations and management.

**Que 5.15.** Explain annual general meeting (AGM) in detail.

- |                                |
|--------------------------------|
| AKTU 2020-21 (Sem-5), Marks 10 |
| AKTU 2022-23 (Sem-5), Marks 10 |
| AKTU 2022-23 (Sem-6), Marks 10 |

**Answer**

1. An Annual General Meeting (AGM) is a mandatory yearly meeting held by a company to engage with its shareholders.
2. The AGM allows shareholders to stay informed about the company's performance and participate in important decisions.
3. It is a platform for discussing the company's financial health, future plans, and any significant changes in management or policies.
4. During the AGM, the company presents its financial statements, including profits, losses, and overall performance from the past year.
5. Shareholders have the right to ask questions, express concerns, and vote on key matters.
6. The AGM is an essential part of corporate governance, as it ensures transparency and accountability, keeping shareholders updated and involved.
7. Companies are legally required to hold an AGM within a specific period after the end of the financial year.
8. For public companies, AGMs help build trust and maintain good relations with shareholders by giving them a voice in the company's important decisions.

**Que 5.16.** Write a short note on minutes of proceedings of general meeting.

**Answer**

1. Every company shall cause minutes of the proceedings of every general meeting of any class of shareholders or creditors to be prepared and signed in such manner as may be prescribed and kept within thirty days of the conclusion of every such meeting concerned.
2. The minutes of each meeting shall contain a fair and correct summary of the proceedings thereof.
3. All appointments made at any of the meetings aforesaid shall be included in the minutes of the meeting.
4. The minutes kept in accordance with the provisions shall be evidence of the proceedings recorded therein.

5. No document purporting to be a report of the proceedings of any general meeting of a company shall be circulated or advertised at the expense of the company.
6. If a person is found guilty of tampering with the minutes of the proceedings of meeting he shall be punishable.

**Que 5.17.** Explain auditor. Describe the role of auditor. Also list different types of auditor.

**Answer**

**A. Auditor :**

1. An auditor is a professional who examines a company's financial records and statements to ensure accuracy and compliance with legal and accounting standards.
2. Auditors help verify that financial information is truthful and reliable, reducing the risk of errors or fraud.
3. They provide an independent review, which boosts trust among investors, shareholders, and regulators.

**B. Role of an auditor :**

1. **Examine financial records :** Reviews the company's accounts and financial statements to ensure accuracy.
2. **Ensure compliance :** Checks that the company follows relevant accounting laws and standards.
3. **Detect fraud or errors :** Identifies any signs of fraud, misstatements, or mistakes in financial records.
4. **Provide audit report :** Issues an audit report with findings and, if applicable, gives recommendations for improvement.

**C. Types of auditors :**

1. **Internal auditor :** Works within the company to check internal processes and controls.
2. **External auditor :** Independent of the company, often from an external audit firm, providing an unbiased review.
3. **Government auditor :** Conducts audits of government agencies to ensure public funds are properly used.
4. **Forensic auditor :** Specializes in investigating financial fraud and irregularities.

**Que 5.18.** What is winding up (liquidation) process under the Companies Act, 2013 ? Explain the steps involved in it.

**Answer**

**A. Winding up (liquidation) process :**

1. Winding up, or liquidation, under the Companies Act, 2013, is the legal process of closing a company.
2. During this process, the company's assets are sold off to pay its debts, and any remaining funds are distributed among shareholders.
3. The process is conducted when a company is no longer able to operate due to financial issues or by choice.

**B. Steps in the winding up process :**

1. **Passing a resolution :** The company's board and shareholders pass a resolution to wind up the business voluntarily, or a court may order winding up in certain cases.
2. **Appointment of liquidator :** A liquidator, often an insolvency professional, is appointed to manage the process. The liquidator oversees asset sales and debt payments.
3. **Asset sale :** The liquidator identifies and sells the company's assets to generate funds.
4. **Payment of debts :** Proceeds from asset sales are used to pay off creditors, including secured and unsecured creditors.
5. **Distribution to shareholders :** Any remaining funds are distributed to shareholders according to their shares.
6. **Dissolution :** The company is formally dissolved, and its name is removed from the register of companies.

**PART-3**

**E-Governance and Role of Engineers in E-Governance, Need for Reformed Engineering Serving at the Union and State Level.**

**Que 5.19.** What do you mean by e-governance ? What are the types of e-governance ?

**Answer**

**A. E-governance :**

1. E-governance, or electronic governance, refers to using technology, especially the internet, to improve the efficiency, transparency, and accessibility of government services.
2. It allows citizens, businesses, and government agencies to interact digitally, making services faster and more convenient.

3. E-governance reduces paperwork, cuts down processing times, and promotes transparency in government processes.

#### B. Types of E-governance :

1. **Government to Citizen (G2C) :** Provides services directly to citizens, such as online applications for licenses, certificates, and government benefits.
2. **Government to Business (G2B) :** Facilitates interactions between the government and businesses, like tax filings, permits, and e-procurement, making business processes smoother.
3. **Government to Government (G2G) :** Enhances communication and data sharing between government departments and agencies, improving coordination and decision-making.
4. **Government to Employee (G2E) :** Focuses on digital interactions between the government and its employees, like payroll management, training, and other administrative services.

**Que 5.20.** What are the advantages of e-governance ?

#### Answer

Advantages of e-governance :

1. **Improved access to services :** Citizens can access government services online, anytime, without visiting offices, saving time and effort.
2. **Increased transparency :** Information is made available online, reducing corruption and ensuring accountability in government operations.
3. **Faster service delivery :** Digital processes reduce paperwork and processing times, leading to quicker services for citizens and businesses.
4. **Cost savings :** E-governance reduces the need for physical infrastructure, cutting down on costs for both the government and citizens.
5. **Better communication :** Government departments can share data easily, improving coordination and policy-making.
6. **Enhanced citizen participation :** Online platforms allow citizens to participate in governance, voice opinions, and give feedback.
7. **Environmental benefits :** Reduced paperwork means less paper usage, contributing to environmental conservation.

**Que 5.21.** Identify the roles of engineers in E-Governance.

AKTU 2021-22 (Sem-5), Marks 10

AKTU 2023-24 (Sem-5), Marks 05

OR  
Explain the roles of engineers in E-Governance.

AKTU 2022-23 (Sem-6), Marks 10

#### Answer

Roles of engineers in e-governance :

1. **System design and development :** Engineers create and develop software systems that enable digital government services, ensuring they are user-friendly and efficient.
2. **Data management and security :** Engineers manage large databases and safeguard sensitive government and citizen data from cyber threats, ensuring data privacy and security.
3. **Network infrastructure setup :** They design and maintain the network infrastructure required for e-governance, including servers and secure connections, making systems accessible and reliable.
4. **Integration of services :** Engineers connect different government departments systems, allowing smooth data sharing and improved coordination for better service delivery.
5. **Technical support and maintenance :** They provide ongoing technical support and update systems regularly, ensuring that services run smoothly without interruptions.
6. **Data analysis and decision support :** Engineers analyze data to help government agencies make informed decisions and improve services based on citizen needs.
7. **Innovation and improvement :** Engineers develop new solutions and continuously improve e-governance systems, making them more efficient and accessible.

**Que 5.22.** Discuss the role of e-governance in improving service delivery and transparency in India.

AKTU 2023-24 (Sem-6), Marks 05

#### Answer

1. E-governance plays a crucial role in improving service delivery and transparency in India by leveraging digital technologies to streamline government processes and enhance accessibility.
2. It facilitates the efficient delivery of public services through online platforms, reducing the need for physical visits and paperwork.
3. This not only saves time but also minimizes corruption.
4. E-governance initiatives, like the Digital India program, promote transparency by making government data and processes accessible to the public.

### Constitution of India

5. Additionally, e-governance systems enable better data management and analysis, aiding in informed policy-making and efficient resource allocation.
6. By enhancing connectivity and digital literacy, e-governance bridges the gap between urban and rural areas.
7. Overall, e-governance strengthens democratic processes by fostering transparency, accountability, and citizen participation.

**Que 5.23.** Discuss about the need for reformed engineering serving at the Union and State level. AKTU 2021-22 (Sem-6), Marks 10

#### Answer

1. There is a growing need for reformed engineering services at the Union and State levels to keep up with modern demands in infrastructure, technology, and public service delivery.
2. Traditional engineering roles often follow outdated procedures and may lack the flexibility required for today's fast-changing environment.
3. Reforming engineering services can help improve efficiency, transparency, and the quality of public infrastructure projects.
4. With rapid urbanization, there is an increased demand for sustainable infrastructure, digital governance, and effective resource management.
5. Reformed engineering services can introduce modern technologies like data analytics, digital project management, and sustainable practices to meet these needs.
6. Engineers at the Union and State levels need updated training to address current challenges in smart cities, clean energy, and e-governance systems.
7. Additionally, reformed engineering services would ensure better coordination between Union and State projects, reducing delays and improving public service quality.

### PART-4

#### Role of I.T. Professionals in Judiciary, Problem of Alienation and Secessionism in Few States Creating Hurdles in Industrial Development.

**Que 5.24.** Discuss the use of technology in judicial process and role of IT professionals in judiciary. AKTU 2020-21 (Sem-5), Marks 10

5-17 P (NCC-Sem-5 & 6)

5-18 P (NCC-Sem-5 & 6)

Business Organizations & E-Governance

OR  
Discuss about the role of I.T. professionals in Judiciary.

AKTU 2021-22 (Sem-6), Marks 10  
AKTU 2023-24 (Sem-5), Marks 05

#### Answer

- A. Use of technology in judicial process :**
1. Technology is increasingly used in the judicial process to make courts more efficient and accessible.
  2. Online case filing systems allow lawyers and citizens to submit documents electronically, reducing paperwork and processing time.
  3. Virtual court hearings enable cases to be heard remotely, saving time and travel costs for all involved.
  4. Digital case management systems help courts track cases and reduce delays, ensuring faster decisions.
  5. Additionally, technology improves transparency, allowing people to access case information online.
  6. By using these digital tools, the judicial system can serve the public more effectively and make justice more accessible to everyone.
- B. Role of IT professionals in judiciary :** IT professionals play a vital role in modernizing the judiciary, making it faster, more secure, and citizen-friendly. Following are the main role of IT professionals in judiciary :
1. **Digital infrastructure development :** IT professionals design and set up digital systems for online case filing, virtual hearings, and electronic documentation, making judicial processes more efficient.
  2. **System maintenance and support :** They maintain and troubleshoot the IT systems, ensuring that court databases, websites, and virtual hearing platforms work smoothly without interruptions.
  3. **Data management and security :** IT experts protect sensitive case data from unauthorized access or cyber threats, maintaining confidentiality and data integrity.
  4. **Automation of processes :** IT professionals develop automated solutions to manage case records, schedule hearings, and track case progress, reducing manual work and delays.
  5. **Training judicial staff :** They train court staff and legal professionals on using digital systems effectively, enabling smooth transitions to online processes.

6. **Enhancing accessibility :** IT professionals create public portals where citizens can access case information, file applications, and track case statuses, making justice more accessible.

**Que 5.25.** How emerging technologies can transform the judicial system ?

AKTU 2023-24 (Sem-6), Marks 05

**Answer**

Emerging technologies have the potential to significantly transform the judicial system, enhancing efficiency, accessibility, and transparency :

1. **Artificial Intelligence (AI) :** AI can assist in legal research, case analysis, and drafting judgments, speeding up the decision-making process and reducing the burden on judges.
2. **Blockchain :** Blockchain technology can ensure the integrity and security of court records, preventing tampering and unauthorized access. It can also facilitate smart contracts for enforcing legal agreements automatically.
3. **Online Dispute Resolution (ODR) :** ODR platforms use technology to resolve disputes online, making the judicial process more accessible, especially for minor cases, and reducing court backlogs.
4. **Virtual courts :** Video conferencing and digital submission of documents can enable virtual court proceedings, saving time and resources while allowing for greater flexibility.
5. **Big data analytics :** Analysis of large datasets can identify trends and patterns in judicial decisions, helping to improve the consistency and fairness of rulings.
6. **E-filing systems :** E-filing of cases and documents can streamline administrative processes, reduce paperwork, and improve case tracking.

**Que 5.26.** What do you understand by the terms: alienation and secessionism ? Explain the effect of alienation and secessionism on industrial development.

**Answer**

- A. **Alienation :** It refers to a feeling of disconnection or isolation that people may feel from society, their government, or their own community. It often happens when individuals or groups feel neglected, unheard, or marginalized.
- B. **Secessionism :** It is the push for a region or group to break away and form a separate nation or governing body, usually due to political, cultural, or economic differences with the central authority.

C. Effects of alienation and secessionism on industrial development :

1. **Reduced investment :** Alienation and secessionist movements create instability, discouraging investors from funding projects, which slows industrial growth.
2. **Disruption of operations :** Protests, strikes, and unrest related to these issues can disrupt factories, transportation, and supply chains, halting production.
3. **Loss of skilled workforce :** Skilled workers may leave conflict-prone areas for better opportunities, creating a labor shortage and impacting industries.
4. **Increased security costs :** Companies may need to invest more in security to protect their assets and employees, raising operational costs.
5. **Limited market access :** Regions with secessionist movements may face trade restrictions, reducing access to wider markets.



**1**  
**UNIT**

**Basic Information  
about Indian  
Constitution  
(2 Marks Questions)**

SQ-1 P (NCC-Sem-5 & 6)

1.1. What is a constitution ?

OR

Define constitution.

AKTU 2020-21 (Sem-5), Marks 02

OR

Define the term Constitution.

AKTU 2021-22 (Sem-6), Marks 02

Ans: A constitution is primarily a set of rules and principles specifying how a country should be governed, how power is distributed and controlled, and what rights citizens possess.

1.2. Define constitutionalism.

Ans: Constitutionalism is the idea that government power should be limited and guided by a constitution or set of laws. It ensures that those in power cannot act beyond the laws and must respect citizens' rights.

1.3. What is constituent assembly of India ?

Ans: The Constituent Assembly of India was a sovereign body, which was formed to draft a Constitution for India.

1.4. What was the main function of constituent assembly ?

Ans: The main function of constituent assembly was to frame the Constitution.

1.5. On what grounds the constituent assembly was criticized?

Ans: The grounds on which the Constituent Assembly was criticized were as follows :

1. Not a Popular body
2. Not a Sovereign body
3. Time consuming
4. Dominated by Congress
5. Dominated by one community
6. Dominated by Lawyers

SQ-2 P (NCC-Sem-5 & 6)

2 Marks Questions

1.6. What is Objective Resolution ?

Ans: The Objective Resolution was a key proposal introduced by Pandit Jawaharlal Nehru. This resolution outlined the fundamental goals and values that the future Indian Constitution would uphold.

1.7. What was the role of Drafting Committee ?

Ans: The Drafting Committee was entrusted with the task of preparing a draft of the new Constitution.

1.8. Examine the Government of India Act, 1935 in brief.

Ans: The Government of India Act, 1935, was an important law passed by the British Parliament to reform India's governance. It aimed to give Indian provinces more power and allow more Indian participation in administration.

1.9. Give the main features of government of India Act 1935.

Ans: Main features of government of India Act 1935 were :

1. All-India federation
2. Provincial autonomy
3. Bicameral legislatures
4. Expansion of the franchise
5. Reserved powers for the Governor-General

1.10. What were the main defects of government of India Act, 1935 ?

AKTU 2023-24 (Sem-6), Marks 01

Ans: The Government of India Act, 1935 had following main defects :

1. Limited autonomy : Provincial autonomy was granted but with significant central control.
2. No full independence : Kept India as a British colony.
3. Franchise : Limited to a small portion of the population.
4. Federation : Proposed but never fully implemented due to lack of princely states cooperation.

1.11. Describe Indian Independence Act 1947.

Ans: The Indian Independence Act of 1947 was a law passed by the British Parliament that granted independence to India, ending British rule after nearly 200 years. The Act was based on the plan proposed by Lord Mountbatten, the last Viceroy of India.

1.12. What was the Mountbatten Plan ?

AKTU 2022-23 (Sem-6), Marks 02

Ans: The Mountbatten Plan was a proposal formulated by Lord Mountbatten, the last Viceroy of British India, to partition British India into two separate nations: India and Pakistan. It led to the

establishment of two independent countries on August 15, 1947, marking the end of British colonial rule in the region.

**1.13. Give the salient features of Indian Constitution.**

**Ans:** Following are the salient features of Indian Constitution.

1. Sovereign, socialist, secular, and democratic republic
2. Federal structure with a strong centre
3. Parliamentary system
4. Fundamental rights and duties
5. Directive principles
6. Amendments

**1.14. What does constitutional law mean ?**

**AKTU 2023-24 (Sem-6), Marks 01**

**Ans:** Constitutional law is the body of law that defines the structure, functions, and limits of government power as outlined in a country's constitution.

**1.15. Why do we need Constitution law ?**

**AKTU 2021-22 (Sem-6), Marks 02**

**Ans:** The following are some of the reasons why we need a constitution:

1. Preventing despotism.
2. Balanced government.
3. Constitution serving as a social instrument.
4. Stable government and protecting sovereignty.
5. Upholding human rights and democratic values.

**1.16. Define preamble.**

**AKTU 2021-22 (Sem-5), Marks 02**

**AKTU 2022-23 (Sem-6), Marks 02**

**Ans:** A Preamble is the introductory part of a constitution or legal document. It outlines the guiding principles, purpose, and goals of the document. In the Indian Constitution, the Preamble reflects the vision and values of the country, setting the foundation for the rights and duties of citizens.

**1.17. What are Fundamental Rights ?**

**Ans:** Fundamental rights are the basic human rights enshrined in the Constitution of India which are guaranteed to all citizens. They are applied without discrimination on the basis of race, religion, gender, etc.

**1.18. List the Fundamental Rights of Indian Constitution.**

**Ques:** There are six fundamental rights of Indian Constitution which are mentioned below :

1. Right to Equality
2. Right to Freedom
3. Right against Exploitation
4. Right to Freedom of Religion
5. Cultural and Educational Rights
6. Right to Constitutional Remedies

**1.19. What are Fundamental Duties ?**

**Ans:** Fundamental Duties are a set of responsibilities given to Indian citizens by the Constitution to promote a sense of discipline and commitment toward the nation.

**1.20. Identify the fundamental duties.**

**AKTU 2020-21 (Sem-5), Marks 02**

**OR**

For Indian citizens explain fundamental duties.

**AKTU 2022-23 (Sem-5), Marks 02**

**Ans:** The fundamental duties of Indian citizens, as listed in the Indian Constitution, include :

1. Respect the Constitution, national flag, and anthem.
2. Cherish India's heritage and uphold its unity.
3. Protect sovereignty and integrity.
4. Defend the country and render national service when called upon.
5. Promote harmony and renounce violence.
6. Value and preserve the rich heritage of India's composite culture.
7. Safeguard public property.
8. Protect and improve the natural environment.
9. Develop scientific temper and spirit of inquiry.
10. Strive towards excellence in all spheres.
11. Provide opportunities for education to children (ages 6-14).

**1.21. What do you understand by Directive Principles of State Policy ?**

**Ans:** The Directive Principles of State Policy are guidelines in the Indian Constitution for the government to create a fair and just society.

**1.22. Describe parliamentary system of government in India.**

**Ans:** In India, the parliamentary system of government is based on the British model. This system emphasizes the role of Parliament in governing the country. The President is the ceremonial head, while the Prime Minister and the Council of Ministers hold real executive power.

**1.23. Evaluate federal system.**

AKTU 2022-23 (Sem-5), Marks 02

AKTU 2023-24 (Sem-5), Marks 02

OR

**What do you mean by federal system ?**

**Ans:** A federal system is a type of government where power is shared between a central authority and smaller regional governments. In India, this means power is divided between the central (national) government and the state governments. A federal system promotes cooperation and balance between national and regional needs. It also prevents any single level of government from having absolute power.

**1.24. Comment on Centre-State Relations.**

**Ans:** Centre-State relations in India are based on the federal structure outlined in the Indian Constitution, which divides powers and responsibilities between the central government (Centre) and individual state governments.

**1.25. What do you understand by amendment of the constitutional powers ?**

**Ans:** An amendment of constitutional powers means making changes or additions to the Constitution. These changes can be small or significant.

**1.26. Explain Article 368.**

**Ans:** Article 368 of the Indian Constitution gives Parliament the power to amend the Constitution. It outlines the process for making changes.

**1.27. What are the different types of constitutional amendments in India ?**

**Ans:** In India, constitutional amendments are divided into three main types based on the level of approval needed :

1. Simple majority amendments
2. Special majority amendments
3. Special majority with state ratification

**1.28. Explain president rule.**

AKTU 2021-22 (Sem-5), Marks 02

AKTU 2022-23 (Sem-6), Marks 02

**Ans:** President's Rule occurs when a state government cannot function as per the Constitution's rules. Declared under Article 356, it usually happens if there is political instability, a breakdown of law and order, or if the state government fails to follow constitutional requirements.

**1.29. What are the emergency provisions in Indian Constitution ?**  
**Ans:** The Indian Constitution gives President the authority to declare three types of emergencies: National Emergency, State Emergency and Financial Emergency.

**1.30. What is the Local self-government system in India ?**

**Ans:** The local self-government system in India is a way for local communities to govern themselves through elected representatives. There are two main types of local self-governments in India: Panchayati Raj and Municipalities.

**1.31. Write a short note on : Constitutional Scheme in India.**

**Ans:** The constitutional scheme in India is a framework that organizes how the government functions and outlines the rights and duties of citizens. India's Constitution sets up a democratic system where power is shared between the central (national) government and state governments.



**2**  
UNIT

SQ-7 P (NCC-Sem-5 & 6)

## Union Executive and State Executive (2 Marks Questions)

### 2.1. Define the term Union Executive.

AKTU 2021-22 (Sem-6), Marks 02  
AKTU 2023-24 (Sem-5), Marks 02

**Ans:** The union executive of Indian polity is a part of the political executive that comprises three important posts :  
1. President,  
2. Prime Minister & Council of Ministers, and  
3. Attorney-General of India.

### 2.2. Discuss the parliament of India.

AKTU 2021-22 (Sem-5), Marks 02

**Ans:** The Parliament of India is the supreme legislative body of the Republic of India. It is a bicameral legislature composed of the president of India and two houses: the Rajya Sabha and the Lok Sabha.

### 2.3. List the powers of Indian Parliament ?

**Ans:** Indian Parliament powers can be classified in to following heads:  
1. Legislative powers      2. Executive powers  
3. Financial powers      4. Constituent powers  
5. Judicial powers      6. Electoral powers  
7. Miscellaneous Powers

### 2.4. Evaluate the role of parliament in law making.

AKTU 2020-21 (Sem-5), Marks 02

**Ans:** Parliament plays a crucial role in lawmaking by debating, scrutinizing, and passing legislation. Bills are introduced, discussed, and amended in both houses—Lok Sabha and Rajya Sabha—before approval. Parliament ensures laws align with public interest, uphold constitutional principles, and address national needs.

SQ-8 P (NCC-Sem-5 & 6)

2 Marks Questions

### 2.5. Explain Rajya Sabha.

AKTU 2020-21 (Sem-5), Marks 02  
OR  
AKTU 2022-23 (Sem-5), Marks 02

**Ans:** The Rajya Sabha (Council of States) is the Upper House of Indian Parliament. It represents the states and union territories, with members elected by state legislatures and appointed by the President. It has 245 members who serve six-year terms, with one-third retiring every two years.

### 2.6. Explain Lok Sabha.

**Ans:** The Lok Sabha, or House of the People, is the lower house of India's Parliament. It consists of elected members representing constituencies across India. Members serve five-year terms, unless dissolved earlier. Lok Sabha holds significant power in lawmaking, budget approval, and government accountability.

### 2.7. What is the main function of President in India ?

AKTU 2023-24 (Sem-6), Marks 01

**Ans:** The main functions of the President of India include :

1. Acting as the ceremonial head of state.
2. Appointing the Prime Minister and Council of Ministers.
3. Overseeing defense forces as the Supreme Commander.
4. Approving bills to become laws.
5. Summoning and dissolving Parliament sessions.
6. Granting pardons and clemency.
7. Representing India in international matters.

### 2.8. Who is Prime Minister of India ?

**Ans:** The Prime Minister of India is the head of the government and country. He is appointed by the President of India after the political party wins a general election and nominates a candidate for the post.

### 2.9. What are the powers of the prime minister of India ?

**Ans:** Powers of Prime Minister :  

1. Head of the Government.
2. Leader of the Cabinet.
3. Link between President and Cabinet.
4. Policy Maker.
5. Leader of the Lok Sabha.
6. Official Representative of the country.
7. Chief Advisor to the President.

### 2.10. What do you mean by judiciary ?

## Constitution of India

- Ans.** The judiciary is the system of courts that interprets and applies the law. In India, the judiciary plays a vital role in upholding justice, protecting rights, and ensuring that the Constitution is followed.
- 2.11. What are the functions of judiciary in India ?**
- Ans.** Functions of judiciary :
1. Interpretation of Laws.
  2. Protection of Fundamental Rights.
  3. Judicial Review.
  4. Resolving Disputes.

SQ-9 P (NCC-Sem-5 & 6)

- 2.12. Explain the Supreme Court of India.**
- Ans.** The Supreme Court is a Federal court, the highest court of appeal, the guarantor of the fundamental rights of the citizens and guardian of the Constitution.
- 2.13. How does appointment of judges in the Supreme Court ?**

AKTU 2023-24 (Sem-6), Marks 01

- Ans.** The appointment of Supreme Court judges in India involves a process called the Collegium system. The Collegium, comprising the Chief Justice of India and four senior judges, recommends candidates based on merit and seniority. The President of India formally appoints judges based on these recommendations.

- 2.14. Explain judicial review.**

AKTU 2022-23 (Sem-5), Marks 02

AKTU 2023-24 (Sem-5), Marks 02

OR

**What is Judicial Review ?**

AKTU 2022-23 (Sem-6), Marks 02

- Ans.** Judicial Review is the power of courts to examine the actions of the government, including laws and policies, to ensure they follow the Constitution. Judicial Review is essential in India for maintaining the rule of law, protecting rights, and ensuring government accountability.

- 2.15. What is Public Interest Litigation (PIL) ?**

- Ans.** PIL is a legal action taken in court for the benefit of the public, especially to address issues affecting society or vulnerable groups.

- 2.16. Give two significances of PIL.**

AKTU 2021-22 (Sem-5), Marks 02

AKTU 2023-24 (Sem-5), Marks 02

AKTU 2023-24 (Sem-5), Marks 02

SQ-10 P (NCC-Sem-5 & 6)

2 Marks Questions

- Ans.** Following are the two significance of PIL :
1. Access to justice for All.
  2. Protecting Fundamental Rights.

- 2.17. What do you mean by judicial activism ?**

- Ans.** Active role of the judiciary in upholding the rights of citizens and preserving the constitutional and legal system of the country is known as judicial activism.

- 2.18. What is the difference between judicial activism and judicial restraint ?**

- Ans.** Both are opposing concepts. While judicial activism talks about courts taking on a proactive role in ensuring and protecting citizen's rights, judicial restraint encourages the judiciary to limit the exercise of their own power.

- 2.19. What is Lokpal ?**

- Ans.** The Lokpal is an independent body in India that investigates and addresses complaints of corruption involving public officials, including the Prime Minister, ministers, and other government employees.

- 2.20. What is the jurisdiction of Lokpal ?**

- Ans.** Jurisdiction of Lokpal includes Prime Minister, Ministers, members of Parliament, Groups A, B, C and D officers and officials of Central Government.

- 2.21. What is Lokayukta ?**

- Ans.** The Lokayukta is an anti-corruption authority at the state level in India, similar to the Lokpal, which functions at the national level. It addresses complaints of corruption involving state government officials and promotes accountability in state administration.

- 2.22. Define the term State Executive.**

AKTU 2021-22 (Sem-6), Marks 02

AKTU 2023-24 (Sem-5), Marks 02

- Ans.** The State Executive in India is the governing body responsible for implementing state laws and policies. It ensures effective governance by implementing policies and maintaining order in the state.

- 2.23. Who is a Governor ?**

- Ans.** Governor is a nominal executive head of the state. He forms an important part of the state executive where he acts as the chief

executive head. Central Government nominates the governor for each state.

**2.24. What do you mean by State Cabinet ?**

**Ans:** The State Cabinet is a group of senior ministers led by the Chief Minister in a state government. The State Cabinet plays a vital role in managing the state's governance, improving public welfare, and ensuring the smooth functioning of state departments.

**2.25. What do you mean by State Legislature ?**

**Ans:** The State Legislature is the law-making body in an Indian state. It is responsible for creating laws and policies on matters that affect the state.

**2.26. Describe Legislative Assembly.**

**Ans:** The Legislative Assembly (Vidhan Sabha) is the lower house of the state legislature in India and plays a key role in governing the state.

**2.27. Describe Legislative Council.**

**Ans:** The Legislative Council (Vidhan Parishad) is the upper house of the state legislature in states that have a bicameral system.



## Basic Information about Legal System (2 Marks Questions)

**3.1. What do you mean by The Legal System ?**

**AKTU 2021-22 (Sem-6), Marks 02**

**Ans:** The Legal System is a set of rules, courts, and procedures that a country uses to keep order, protect rights, and resolve conflicts. It includes laws made by the government, courts that interpret these laws, and officials like judges and lawyers who help enforce them.

**3.2. Explain the term 'Law'.**

**Ans:** Law is a set of rules created by the government or authority to regulate behavior in society. It defines what people can and cannot do, helping maintain order, protect rights, and ensure justice. Laws apply to everyone equally and have consequences if broken. They guide society and help resolve disputes fairly.

**3.3. What are the major functions of Law ?**

**Ans:** Some of the major functions of law are :

1. To deliver justice.
2. To provide equality and uniformity.
3. To maintain impartiality.
4. To maintain law and order.

**3.4. What do you understand by the term Sources of law ?**

**Ans:** The sources of law refer to the origins or foundations from which laws develop. These sources provide the basis for creating and enforcing laws within a country.

**3.5. What are the primary sources of law ?**

**AKTU 2023-24 (Sem-6), Marks 01**

**Ans:** The primary sources of law are :

- |                       |                  |
|-----------------------|------------------|
| 1. Legislation        | 2. Customary law |
| 3. Judicial decisions | 4. Constitution  |

**3.6. Define the term Court Structure under the Legal System.**

**AKTU 2021-22 (Sem-6), Marks 02**

## Constitution of India

SQ-13 P (NCC-Sem-5 & 6)

**Ans:** Court structure refers to the organized way courts are set up in a legal system. It includes different levels, like lower courts, higher courts, and a supreme court. Each level handles different types of cases based on their importance or complexity. This structure helps in managing cases and ensuring fair justice.

### 3.7. Describe the court structure of India.

AKTU 2020-21 (Sem-5), Marks 02

**Ans:** India's court structure is organized in a hierarchical system to ensure justice is delivered effectively. Following are the main levels:

1. Supreme Court
2. High Courts
3. District Courts
4. Subordinate Courts

### 3.8. What is the source of law and court structures?

AKTU 2023-24 (Sem-6), Marks 01

**Ans:** Source of law : Refer Q. 3.4, Page SQ-12P, 2 Marks Question, Unit-3.  
Court structures : Refer Q. 3.6, Page SQ-12P, 2 Marks Question, Unit-3.

### 3.9. Explain the term Acts of Parliament.

**Ans:** Acts of Parliament are laws made by the Parliament, the main law-making body in India. These acts are formal legal rules that apply to everyone in the country and cover a wide range of topics, from criminal justice to environmental protection.

### 3.10. What is the law enacted by the parliament?

AKTU 2023-24 (Sem-6), Marks 01

**Ans:** Law enacted by the parliament is known as legislation or statutes. These laws are created through a formal process involving the drafting, discussion, and approval of bills by the legislative body.

### 3.11. What is common law ?

AKTU 2022-23 (Sem-6), Marks 02

**Ans:** Common law is a legal system based on customs, traditions, and judicial decisions rather than written laws or statutes.

### 3.12. Evaluate case law.

AKTU 2021-22 (Sem-5), Marks 02

**Ans:** Case law is specifically the body of law created by judicial decisions or court rulings in individual cases. Each court decision becomes a "case law" and can influence future cases with similar facts or legal issues.

2 Marks Questions

SQ-14 P (NCC-Sem-5 & 6)

### 3.13. Discuss the concept of judicial precedent.

**Ans:** Judicial precedent means that decisions made by higher courts set examples, or "precedents," which lower courts must follow in future cases with similar facts or issues. This practice helps ensure fairness and consistency in the law, as similar cases receive similar rulings.

### 3.14. Briefly explain district courts in India.

**Ans:** The district courts are the local courts of the State governments that handle cases at the local level within each district.

### 3.15. Briefly explain district consumer forum.

**Ans:** The District Consumer Forum in India is a special court that handles complaints from consumers about goods and services.

### 3.16. Define tribunal.

**Ans:** Tribunals are special courts set up to handle specific types of disputes outside the regular court system. They are designed to be quicker, simpler, and more specialized in dealing with cases related to certain areas, such as employment, tax, or consumer issues.

### 3.17. Explain High Courts.

**Ans:** High court is highest judicial court in a state. They handle serious cases and hear appeals from lower courts. High Courts also review laws and actions of the government to ensure they follow the constitution and protect people's rights.

### 3.18. Explain Supreme Court.

AKTU 2022-23 (Sem-5), Marks 02

**Ans:** The Supreme Court is the country's highest judicial court. It takes up appeals against the verdicts of the High Courts, other courts and tribunals. It settles disputes between various government authorities, between state governments, and between the centre and any state government.

### 3.19. Define arbitration.

**Ans:** Arbitration is a method of resolving disputes outside of court. In arbitration, a neutral person, called an arbitrator, listens to both sides and makes a decision to settle the dispute.

### 3.20. What do you understand by the term contract law ?

OR

Explain contract law.

AKTU 2021-22 (Sem-5), Marks 02

**Ans.** Contract Law is the area of law that governs agreements made between two or more parties. It sets the rules and guidelines to ensure that promises made in a contract are legally binding and enforceable.

**3.21. Explain the term Tort.**

- AKTU 2020-21 (Sem-5), Marks 02  
 AKTU 2022-23 (Sem-6), Marks 02  
 OR  
 AKTU 2022-23 (Sem-5), Marks 02

**Define Tort.**

**Ans.** A Tort is a legal term that refers to a civil wrong or harm done by one person to another, which is not related to breaking a contract. The purpose of tort law is to provide a way for the injured person to receive compensation for the harm caused to them.



Quarantine Series



## Election Provisions, Emergency Provisions, Amendment of the Constitution (2 Marks Questions)

**4.1. What do you understand by Election Commission of India ?**  
**Ans.** The ECI is an independent body that the Constitution of India set up to ensure a free and fair election. It was established under Article 324 of the Indian Constitution.

**4.2. Give the composition of the Election Commission of India ?**  
**Ans.** The composition of the Election Commission comprises a Chief Election Commissioner (CEC) and two Election Commissioners.

**4.3. What is Article 324 ?**  
**Ans.** Article 324 of the Indian Constitution grants the Election Commission of India (ECI) the authority to oversee, direct, and control elections across the country. This article establishes the ECI as an independent body, empowering it to conduct elections for the Parliament, State Legislatures, and the offices of the President and Vice-President of India.

**4.4. Explain the powers of the Election Commission of India .**  
**Ans.** Following are the powers of the Election Commission of India :  
 1. Conduct elections  
 2. Enforce election rules  
 3. Monitor political parties  
 4. Control campaigns  
 5. Resolve disputes

**4.5. What are the limitations on the powers of the Election Commission of India ?**  
**Ans.** Following are the limitations on the powers of the Election Commission of India :  
 1. No legislative power.  
 2. Limited penalty enforcement.  
 3. Dependence on government for reforms.  
 4. Restricted control over political funding.  
 5. Vulnerability to political influence.

**4.6. How is the Chief Election Commissioner of India appointed ?**

**Ans:** The Chief Election Commissioner (CEC) of India is appointed by the President of India.

**4.7. What is Chief Election Commissioner term of office ?**

**Ans:** The term of office for the Chief Election Commissioner is six years or until they reach the age of 65, whichever comes earlier.

**4.8. Describe the process of conducting Lok Sabha and Assembly elections.**

**Ans:** Process of conducting elections :

1. Announcement of dates.
2. Finalizing electoral roll.
3. Nomination process.
4. Monitoring campaigns.
5. Polling day arrangements.
6. Vote counting and results.

**4.9. Describe the role of the Election Commission in conducting Lok Sabha and Assembly elections.**

**Ans:** Role of the Election Commission :

1. Ensuring fair play.
2. Maintaining voter integrity.
3. Transparency in campaigns.
4. Security and order.
5. Upholding democratic choice.

**4.10. What is a National emergency ?**

**Ans:** A National emergency is defined as a situation, which is not normal, and calls for urgent remedial action.

**4.11. What are the different types of emergencies in the Indian Constitution ?**

**OR**

**What are the emergency provisions in Indian Constitution ?**

**Ans:** The Indian Constitution provides for three types of emergencies :

1. National emergency (Article 352).
2. State emergency or President's Rule (Article 356).
3. Financial emergency (Article 360).

**4.12. Explain the grounds for declaring a National Emergency in India.**

**Ans:** A National Emergency in India can be declared based on three main grounds :

1. War (External emergency).
2. External Aggression (External emergency).
3. Armed Rebellion (Internal emergency).

**4.13. How long can a National Emergency remain in effect ?**

**Ans:** A National Emergency in India can initially remain in effect for six months. After this period, it doesn't automatically end. Instead, Parliament must review it and decide if it should continue.

**SQ-18 P (NCC-Sem-5 & 6)**

**2 Marks Questions**

**4.14. When President's Rule occurs in India ?**

**OR**

**Explain president rule.**

**Ans:** President's Rule occurs when a state government cannot function as per the Constitution's rules. Declared under Article 356, it usually happens if there is political instability, a breakdown of law and order, or if the state government fails to follow constitutional requirements.

**4.15. What is Financial Emergency ?**

**Ans:** It is a type of emergency in India declared when the country's financial stability or credit is at serious risk. This is provided for under Article 360 of the Indian Constitution.

**4.16. What is meant by an amendment to the Constitution of India ?**

**Ans:** An amendment to the Constitution of India means making changes, additions, or deletions to the Constitution. This process allows the Constitution to be updated to meet new needs and situations in the country.

**4.17. In which Article the procedure for amending the Constitution of India is given ?**

**Ans:** The procedure for amending the Constitution of India is given in Article 368.

**4.18. What are the different types of constitutional amendments in India ?**

**Ans:** In India, constitutional amendments are of three main types :

1. Amendment by simple majority.
2. Amendment by special majority.
3. Amendment by special majority and state approval.

**4.19. Explain the concept of the "Basic Structure Doctrine".**

**Ans:** The Basic Structure Doctrine is a concept in Indian law that prevents certain core parts of the Constitution from being changed through amendments. It was introduced by the Supreme Court in the Kesavananda Bharati case (1973), where the Court ruled that while Parliament has the power to amend the Constitution, it cannot alter its "basic structure".

**4.20. Can fundamental rights be amended ?**

**Ans:** Yes, fundamental rights can be amended, but only under certain conditions. The Indian Constitution allows amendments, but they cannot change its "basic structure." This ensures protection of citizens' rights.





## Business Organizations and E-Governance (2 Marks Questions)

**5.1. What do you mean by sole trader/proprietorship ?**

OR

**What is sole trader ?**

**AKTU 2021-22 (Sem-5), Marks 02**

**AKTU 2023-24 (Sem-5), Marks 02**

**Ans:** A sole trader is a type of business owned and run by one person. The owner has complete control over the business, makes all decisions, and keeps all profits. This is the simplest form of business structure, often used by small businesses, freelancers, and independent professionals.

**5.2. Explain partnership.**

**AKTU 2020-21 (Sem-5), Marks 02**

OR

**Define the term Partnership in Business Organizations.**

**AKTU 2021-22 (Sem-6), Marks 02**

**Ans:** A partnership is a business arrangement where two or more people agree to share ownership, profits, and responsibilities. Each partner contributes to the business, either by investing money, sharing skills, or both.

**5.3. What is Partnership Deed ?**

**AKTU 2022-23 (Sem-6), Marks 02**

**Ans:** A partnership deed is a legal document that outlines the terms and conditions of a partnership agreement between two or more individuals or entities who agree to enter into a partnership. It serves as a written contract that governs the rights, responsibilities, and obligations of the partners in their partnership venture.

**5.4. Describe Company Act, 2013.**

**Ans:** The Companies Act, 2013, is a law in India that regulates the formation, functioning, and management of companies. The Act provides guidelines for various types of companies, including private,

public, and one-person companies. The act regulates the incorporation, responsibilities, directors and dissolution of a company in India.

**5.5. Define limited company.**

**AKTU 2021-22 (Sem-5), Marks 02**

**Ans:** A limited company is a business structure where owner's personal assets are protected. If the company faces losses or debts, owners only lose what they invested in the company. It's "limited" because the liability of each owner is restricted to their shares.

**5.6. What is a joint stock company ?**

**Ans:** A joint stock company is a type of business organization where the ownership is divided into shares. People who buy these shares become shareholders and collectively own the company.

**5.7. What is Memorandum of Association of a company ?**

**Ans:** The Memorandum of Association (MOA) is a key legal document that establishes the basic framework and objectives of a company. It serves as a blueprint, outlining the company's purpose, identity, and the extent of its powers.

**5.8. What is the Articles of Association (AoA) of a company ?**

**Ans:** The Articles of Association (AoA) is a key document that outlines the internal rules and regulations governing a company's operations. It acts like a rulebook for the company, detailing the procedures and responsibilities for managing the business.

**5.9. Define prospectus. Explain its types.**

**Ans:**

**A. Prospectus :** A prospectus is an official document that a company issues to invite the public to buy its shares or debentures. It provides detailed information about the company, its financial health, and the terms of the investment, helping potential investors make informed decisions.

**B. Types of prospectus :**

1. General prospectus
2. Deemed prospectus
3. Abridged prospectus
4. Shelf prospectus
5. Red Herring prospectus

**5.10. What are shares ?**

**Ans:** Shares represent units of ownership in a company. When someone buys shares, they become a part-owner or shareholder in that

company. Shares also give shareholders voting rights in major company decisions, depending on the type of share they own.

**5.11. Discuss the types of shares.**

**AKTU 2020-21 (Sem-5), Marks 02**

**AKTU 2022-23 (Sem-6), Marks 02**

**OR**

**Enumerate the types of shares.**

**AKTU 2022-23 (Sem-5), Marks 02**

**Ans:** Following are different types of shares :

1. **Equity shares** : Ownership shares with voting rights and dividends.
2. **Preference shares** : Fixed dividends, paid before equity, no voting.
3. **Bonus shares** : Free shares given from profits.
4. **Rights shares** : Discounted shares offered to current shareholders.
5. **Convertible shares** : Can convert into another type, like equity.

**5.12. Describe Director/Board of Directors in business Organization.**

**Ans:** A Director or Board of Directors in a business organization is a group of individuals responsible for overseeing the company's operations and making key decisions.

**5.13. Explain annual general meeting (AGM).**

**Ans:** An Annual General Meeting (AGM) is a mandatory yearly meeting held by a company to engage with its shareholders. The AGM allows shareholders to stay informed about the company's performance and participate in important decisions.

**5.14. Describe auditor.**

**AKTU 2022-23 (Sem-5), Marks 02**

**Ans:** An auditor is a professional who examines a company's financial records and statements to ensure accuracy and compliance with legal and accounting standards. Auditors help verify that financial information is truthful and reliable, reducing the risk of errors or fraud.

**5.15. What is winding up (liquidation) process under the Companies Act, 2013 ?**

**Ans:** Winding up, or liquidation, under the Companies Act, 2013, is the legal process of closing a company. During this process, the company's assets are sold off to pay its debts, and any remaining funds are distributed among shareholders.

**5.16. What do you mean by E-Governance ?**

**AKTU 2021-22 (Sem-6), Marks 02**

**OR**

**Define the term Electronic Governance.**

**AKTU 2021-22 (Sem-6), Marks 02**

**Ans:** E-governance, or electronic governance, refers to using technology, especially the internet, to improve the efficiency, transparency, and accessibility of government services. It allows citizens, businesses, and government agencies to interact digitally, making services faster and more convenient.

**5.17. What are the types of e-governance ?**

**Ans:** There are 4 types of e-governance :

1. G2C (Government to citizens)
2. G2B (Government to business)
3. G2E (Government to employee)
4. G2G (Government to government)

**5.18. Define alienation.**

**Ans:** It refers to a feeling of disconnection or isolation that people may feel from society, their government, or their own community. It often happens when individuals or groups feel neglected, unheard, or marginalized.

**5.19. Define secessionism.**

**Ans:** It is the push for a region or group to break away and form a separate nation or governing body, usually due to political, cultural, or economic differences with the central authority.

**5.20. Define industrial alienation.**

**AKTU 2022-23 (Sem-6), Marks 02**

**Ans:** Industrial alienation is when workers feel disconnected from their work, often in large factories or industries. They may feel like just a "cog in the machine" because they have little control or personal involvement in the process. This can lead to frustration, lack of motivation, and feeling undervalued.

**5.21. Define industrial secessionism.**

**Ans:** Industrial secessionism is when parts of a large company or industry separate to operate independently. Workers or smaller groups within an industry may break away because they disagree with company policies or want more control.



**B. Tech.**

**(SEM. V) ODD SEMESTER THEORY  
EXAMINATION, 2020-21  
CONSTITUTION OF INDIA, LAW AND  
ENGINEERING**

Time : 3 Hours

Max. Marks : 100

Note: 1. Attempt all Sections. If require any missing data; then choose suitably.

**SECTION A**

1. Attempt all questions in brief.  $(2 \times 10 = 20)$ 
  - a. Define constitution.  
**Ans:** Refer Q. 1.1, Page SQ-1P, Unit-1, Two Marks Questions.
  - b. Identify the fundamental duties.  
**Ans:** Refer Q. 1.20, Page SQ-4P, Unit-1, Two Marks Questions.
  - c. Evaluate the role of parliament in law making.  
**Ans:** Refer Q. 2.4, Page SQ-7P, Unit-2, Two Marks Questions.
  - d. Explain Rajya Sabha.  
**Ans:** Refer Q. 2.5, Page SQ-8P, Unit-2, Two Marks Questions.
  - e. Describe the court structure of India.  
**Ans:** Refer Q. 3.7, Page SQ-13P, Unit-3, Two Marks Questions.
  - f. Explain the term Tort.  
**Ans:** Refer Q. 3.21, Page SQ-15P, Unit-3, Two Marks Questions.
  - g. Describe intellectual property.  
**Ans:** This question is out of syllabus from session (2024-25).
  - h. Evaluate patent.  
**Ans:** This question is out of syllabus from session (2024-25).
  - i. Explain partnership.  
**Ans:** Refer Q. 5.2, Page SQ-19P, Unit-5, Two Marks Questions.
  - j. Discuss the types of shares.  
**Ans:** Refer Q. 5.11, Page SQ-21P, Unit-5, Two Marks Questions.

**SECTION B**

2. Attempt any three of the following :  $(3 \times 10 = 30)$ 
  - a. Evaluate the functions of constitution.  
**Ans:** Refer Q. 1.2, Page 1-2P, Unit-1.
  - b. Explain PIL and the procedure to file it.  
**Ans:** Refer Q. 2.15, Page 2-12P, Unit-2.
  - c. Define arbitration and explain its types.  
**Ans:** Refer Q. 3.16, Page 3-12P, Unit-3.
  - d. Describe the importance of IT Act 2000.  
**Ans:** This question is out of syllabus from session (2024-25).
  - e. Differentiate between memorandum and articles of association.  
**Ans:** Refer Q. 5.11, Page 5-8P, Unit-5.

**SECTION C**

3. Attempt any one part of the following :  $(1 \times 10 = 10)$ 
  - a. Discuss the formation of constituent assembly.  
**Ans:** Refer Q. 1.5, Page 1-4P, Unit-1.
  - b. Examine Government of India Act 1935.  
**Ans:** Refer Q. 1.10, Page 1-7P, Unit-1.
4. Attempt any one part of the following :  $(1 \times 10 = 10)$ 
  - a. Discuss the appointment of judges in Indian Judiciary.  
**Ans:** Refer Q. 2.13, Page 2-10P, Unit-2.
  - b. Explain Lokpal jurisdiction and its powers.  
**Ans:** Refer Q. 2.20, Page 2-16P, Unit-2.
5. Attempt any one part of the following :  $(1 \times 10 = 10)$ 
  - a. Explain the term Acts of Parliament.  
**Ans:** Refer Q. 3.4, Page 3-4P, Unit-3.
  - b. Define tribunal and discuss why tribunals are needed.  
**Ans:** Refer Q. 3.12, Page 3-9P, Unit-3.
6. Attempt any one part of the following :  $(1 \times 10 = 10)$ 
  - a. Discuss digital signature and its types in detail.  
**Ans:** This question is out of syllabus from session (2024-25).

- b. Describe patent infringement and its types.  
**Ans:** This question is out of syllabus from session (2024-25).
7. Attempt any one part of the following : (1 × 10 = 10)
- Explain annual general meeting in detail.
- Ans:** Refer Q. 5.15, Page 5-12P, Unit-5.
- b. Discuss the use of technology in judicial process and role of IT professionals in judiciary.  
**Ans:** Refer Q. 5.24, Page 5-17P, Unit-5.

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Quantum  
Series

**B. Tech.**  
**(SEM. V) ODD SEMESTER THEORY EXAMINATION, 2021-22**  
**CONSTITUTION OF INDIA, LAW AND ENGINEERING**

Time : 3 Hours

Max. Marks : 100

**Note :** 1. Attempt all sections. If require any missing data, then choose suitably.

**Section-A**

1. Attempt all questions in brief. (2 × 10 = 20)

a. Explain president rule.  
**Ans:** Refer Q. 1.28, Page SQ-5P, Unit-1, Two Marks Questions.

- b. Define preamble.

**Ans:** Refer Q. 1.16, Page SQ-3P, Unit-1, Two Marks Questions.

- c. What is sole trader ?

**Ans:** Refer Q. 5.1, Page SQ-19P, Unit-5, Two Marks Questions.

- d. Discuss the parliament of India.

**Ans:** Refer Q. 2.2, Page SQ-7P, Unit-2, Two Marks Questions.

- e. Explain contract law.

**Ans:** Refer Q. 3.20, Page SQ-14P, Unit-3, Two Marks Questions.

- f. Give two significances of PIL.

**Ans:** Refer Q. 2.16, Page SQ-9P, Unit-2, Two Marks Questions.

- g. Describe digital signature. Give its importance.

**Ans:** This question is out of syllabus from session (2024-25).

- h. Define trade mark.

**Ans:** This question is out of syllabus from session (2024-25).

- i. Evaluate case law.

**Ans:** Refer Q. 3.12, Page SQ-13P, Unit-3, Two Marks Questions.

- j. Define limited company.

**Ans:** Refer Q. 5.5, Page SQ-20P, Unit-5, Two Marks Questions.

## Section-B

2. Attempt any three of the following : (10 x 3 = 30)
- Identify the roles of engineers in E-Governance.  
Ans: Refer Q. 5.21, Page 5-15P, Unit-5.
  - Discuss lokpal and Lok Ayukta Act 2013.  
Ans: Refer Q. 2.23, Page 2-18P, Unit-2.
  - Explain the Fundamental Rights and Duties.  
Ans: Refer Q. 1.24, Page 1-16P, Unit-1.
  - Describe appointment procedure to Supreme Courts Judges and High Courts Judges in India.  
Ans: Refer Q. 2.13, Page 2-10P, Unit-2.
  - Define the rights of patent holder.  
Ans: This question is out of syllabus from session (2024-25).

## Section-C

3. Attempt any one part of the following : (10 x 1 = 10)
- Examine Indian Independence Act 1947.  
Ans: Refer Q. 1.12, Page 1-8P, Unit-1.
  - Discuss the salient features of Constitution.  
Ans: Refer Q. 1.16, Page 1-10P, Unit-1.
  - Attempt any one part of the following : (10 x 1 = 10)
    - Explain the powers and functions of Indian President.  
Ans: Refer Q. 2.7, Page 2-6P, Unit-2.
    - Evaluate Public Interest Litigation.  
Ans: Refer Q. 2.15, Page 2-12P, Unit-2.
  - Attempt any one part of the following : (10 x 1 = 10)
    - Examine the sources of Law and its types.  
Ans: Refer Q. 3.2, Page 3-2P, Unit-3.
    - Explain tribunals in India.  
Ans: Refer Q. 3.12, Page 3-9P, Unit-3.
  - Attempt any one part of the following : (10 x 1 = 10)
    - Explain briefly Right to Information Act 2005.  
Ans: This question is out of syllabus from session (2024-25).

- b. Describe cyber appellate tribunal.  
Ans: This question is out of syllabus from session (2024-25).
7. Attempt any one part of the following : (10 x 1 = 10)
  - Define prospectus. Explain its types.  
Ans: Refer Q. 5.12, Page 5-5P, Unit-5.
  - Describe company Act. Explain formation of company.  
Ans: Refer Q. 5.5, Page 5-5P, Unit-5.



**B. Tech.**  
**(SEM. VI) EVEN SEMESTER THEORY  
EXAMINATION, 2021-22**  
**CONSTITUTION OF INDIA, LAW AND  
ENGINEERING**

Time : 3 Hours

Max. Marks : 100

Note: Attempt all Sections. If you require any missing data; then choose suitably.

**SECTION A**

1. Attempt all questions in brief. (2 × 10 = 20)
  - a. Define the term Union Executive.  
Ans: Refer Q. 2.1, Page SQ-7P, Unit-2, Two Marks Questions.
  - b. Define the term Constitution.  
Ans: Refer Q. 1.1, Page SQ-1P, Unit-1, Two Marks Questions.
  - c. Define the term State Executive.  
Ans: Refer Q. 2.22, Page SQ-10P, Unit-2, Two Marks Questions.
  - d. Why do we need Constitution law ?  
Ans: Refer Q. 1.15, Page SQ-3P, Unit-1, Two Marks Questions.
  - e. What do you mean by The Legal System ?  
Ans: Refer Q. 3.1, Page SQ-12P, Unit-3, Two Marks Questions.
  - f. Define the term Court Structure under the Legal System.  
Ans: Refer Q. 3.6, Page SQ-12P, Unit-3, Two Marks Questions.
  - g. Define the term Intellectual Property Laws.  
Ans: This question is out of syllabus from session (2024-25).
  - h. Define the term Electronic Governance.  
Ans: Refer Q. 5.16, Page SQ-22P, Unit-5, Two Marks Questions.
  - i. What do you mean by E-Governance ?  
Ans: Refer Q. 5.16, Page SQ-22P, Unit-5, Two Marks Questions.
  - j. Define the term Partnership in Business Organizations.  
Ans: Refer Q. 5.2, Page SQ-19P, Unit-5, Two Marks Questions.

**SECTION B**

2. Attempt any three parts of the following : (10 × 3 = 30)
  - a. Discuss about the Memorandum of Association and Articles of Association in Business Organizations.  
Ans: Refer Q. 5.10, Page 5-8P, Unit-5.
  - b. Write a short note on Functions of Lok Sabha.  
Ans: Refer Q. 2.5, Page 2-4P, Unit-2.
  - c. What are the Principles taken from decisions of judges constituting binding legal rules ?  
Ans: Refer Q. 3.7, Page 3-6P, Unit-3.
  - d. Mention about the Right to Information Act, 2005 under the Intellectual Property Laws and Regulation to Information.  
Ans: This question is out of syllabus from session (2024-25).
  - e. Mention about the Historical Background of the Indian Constituent Assembly.  
Ans: Refer Q. 1.4, Page 1-3P, Unit-1.

**SECTION C**

3. Attempt any one part of the following : (10 × 1 = 10)
  - a. Discuss about the need for reformed engineering serving at the Union and State level.  
Ans: Refer Q. 5.23, Page 5-17P, Unit-5.
  - b. Write down a short note on Power and Functions of the President under Indian Constitution.  
Ans: Refer Q. 2.7, Page 2-6P, Unit-2.
4. Attempt any one part of the following : (10 × 1 = 10)
  - a. Discuss in brief about the Government of India Act of 1935 and Indian Independent Act of 1947.  
Ans: Refer Q. 1.14, Page 1-9P, Unit-1.
  - b. Discuss the need and importance of contract law under the Legal System.  
Ans: Refer Q. 3.20, Page 3-14P, Unit-3.
5. Attempt any one part of the following : (10 × 1 = 10)
  - a. Discuss the need and importance of Digital Signature Certificates and Cyber Regulations.  
Ans: This question is out of syllabus from session (2024-25).

- b. Discuss about the Role of I.T. professionals in Judiciary.  
**Ans.** Refer Q. 5.24, Page 5-17P, Unit-5.
6. Attempt any one part of the following :  $(10 \times 1 = 10)$
- a. Discuss Lokpal and Lokayuktas Act 2013 under Union Executive and State Executive.  
**Ans.** Refer Q. 2.23, Page 2-18P, Unit-2.
- b. Discuss about the Preamble of the Indian Constitution and defined Fundamental Rights.  
**Ans.** Refer Q. 1.21, Page 1-14P, Unit-1.
7. Attempt any one part of the following :  $(10 \times 1 = 10)$
- a. Write a short note on any two of the following :
- District Court
  - District Consumer Forum
  - Tribunals
- Ans.** Refer Q. 3.13, Page 3-10P, Unit-3.
- b. Discuss the Information Technology Act, 2000 under Intellectual Property Laws.  
**Ans.** This question is out of syllabus from session (2024-25).

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**B. Tech.**  
**(SEM. V) ODD SEMESTER THEORY EXAMINATION, 2022-23**  
**CONSTITUTION OF INDIA, LAW AND ENGINEERING**

Time : 3 Hours

Max. Marks : 100

Note : 1. Attempt all sections. If require any missing data; then choose suitably.

**SECTION A**

- Attempt all questions in brief.  $(2 \times 10 = 20)$   
**Ans.** Refer Q. 1.20, Page SQ-4P, Unit-1, Two Marks Questions.
- Evaluate federal system.  
**Ans.** Refer Q. 1.23, Page SQ-5P, Unit-1, Two Marks Questions.
- Describe Rajya Sabha.  
**Ans.** Refer Q. 2.5, Page SQ-8P, Unit-2, Two Marks Questions.
- Explain judicial review.  
**Ans.** Refer Q. 2.14, Page SQ-9P, Unit-2, Two Marks Questions.
- Define Tort.  
**Ans.** Refer Q. 3.21, Page SQ-15P, Unit-3, Two Marks Questions.
- Explain Supreme Court.  
**Ans.** Refer Q. 3.18, Page SQ-14P, Unit-3, Two Marks Questions.
- Enumerate the types of shares.  
**Ans.** Refer Q. 5.11, Page SQ-21P, Unit-5, Two Marks Questions.
- Describe intellectual property law.  
**Ans.** This question is out of syllabus from session (2024-25).
- Explain patent.  
**Ans.** This question is out of syllabus from session (2024-25).
- Describe auditor.  
**Ans.** Refer Q. 5.14, Page SQ-21P, Unit-5, Two Marks Questions.

**SECTION B**

2. Attempt any three of the following :  $(10 \times 3 = 30)$

a. **Describe Presidents rule.**

**Ans:** Refer Q. 1.34, Page 1-22P, Unit-1.

b. **Evaluate powers and functions of Chief Minister.**

**Ans:** Refer Q. 2.28, Page 2-21P, Unit-2.

c. **Define arbitration and explain its types.**

**Ans:** Refer Q. 3.16, Page 3-12P, Unit-3.

d. **Explain the importance of IT Act 2000.**

**Ans:** This question is out of syllabus from session (2024-25).

e. **Differentiate between memorandum and articles of association.**

**Ans:** Refer Q. 5.11, Page 5-8P, Unit-5.

**SECTION C**

3. Attempt any one part of the following :  $(10 \times 1 = 10)$

a. **Discuss the formation of constituent assembly.**

**Ans:** Refer Q. 1.5, Page 1-4P, Unit-1.

b. **Describe Indian Independence Act 1947.**

**Ans:** Refer Q. 1.12, Page 1-8P, Unit-1.

4. Attempt any one part of the following :  $(10 \times 1 = 10)$

a. **Explain Lokpal jurisdiction and its powers.**

**Ans:** Refer Q. 2.20, Page 2-16P, Unit-2.

b. **Evaluate the functions of state legislature.**

**Ans:** Refer Q. 2.30, Page 2-23P, Unit-2.

5. Attempt any one part of the following :  $(10 \times 1 = 10)$

a. **Explain the term Acts of Parliament.**

**Ans:** Refer Q. 3.4, Page 3-4P, Unit-3.

b. **"Arbitration is an alternative to resolving disputes in the normal courts." Discuss the statement.**

**Ans:** Refer Q. 3.17, Page 3-12P, Unit-3.

6. Attempt any one part of the following :  $(10 \times 1 = 10)$

a. **Explain digital signature and its types in detail.**

**Ans:** This question is out of syllabus from session (2024-25).

b. **Describe secure electronic records and digital signatures.**  
**Ans:** This question is out of syllabus from session (2024-25).

7. Attempt any one part of the following :  $(10 \times 1 = 10)$

a. **Explain annual general meeting (AGM) in detail.**

**Ans:** Refer Q. 5.15, Page 5-12P, Unit-5.

b. **Discuss the provisions of formation of a company under Indian Companies Act.**

**Ans:** Refer Q. 5.5, Page 5-5P, Unit-5.



**B. Tech.**  
**(SEM. VI) EVEN SEMESTER THEORY EXAMINATION, 2022-23**  
**CONSTITUTION OF INDIA,**  
**LAW & ENGINEERING**

Time : 3 Hours

Max. Marks : 100

Note : Attempt all Sections. If require any missing data; then choose suitably.

**SECTION A**

1. Attempt all questions in brief: (2 × 10 = 20)  
 a. What was the Mountbatten Plan ?

**Ans:** Refer Q. 1.12, Page SQ-2P, Unit-1, Two Marks Questions.

- b. What is Judicial Review ?  
**Ans:** Refer Q. 2.14, Page SQ-9P, Unit-2, Two Marks Questions.
- c. Explain the term tort.  
**Ans:** Refer Q. 3.21, Page SQ-15P, Unit-3, Two Marks Questions.
- d. Define Preamble.  
**Ans:** Refer Q. 1.16, Page SQ-3P, Unit-1, Two Marks Questions.
- e. Discuss the type of shares.  
**Ans:** Refer Q. 5.11, Page SQ-21P, Unit-5, Two Marks Questions.

- f. Explain President Rule.  
**Ans:** Refer Q. 1.28, Page SQ-5P, Unit-1, Two Marks Questions.
- g. Describe Digital Signature. Give its importance.  
**Ans:** This question is out of syllabus from session (2024-25).

- h. What is Partnership Deed ?  
**Ans:** Refer Q. 5.3, Page SQ-19P, Unit-5, Two Marks Questions.
- i. What is common law ?  
**Ans:** Refer Q. 3.11, Page SQ-13P, Unit-3, Two Marks Questions.
- j. Define Industrial Alienation.  
**Ans:** Refer Q. 5.20, Page SQ-22P, Unit-5, Two Marks Questions.

**SECTION B**

2. Attempt any three of the following : (10 × 3 = 30)  
 a. Describe the salient feature of an Indian Constitution.  
**Ans:** Refer Q. 1.16, Page 1-10P, Unit-1.
- b. What are the fundamental rights ? Explain them in detail.  
**Ans:** Refer Q. 1.20, Page 1-14P, Unit-1.
- c. Explain PIL and the procedure to file it.  
**Ans:** Refer Q. 2.15, Page 2-12P, Unit-2.
- d. Discuss Lokpal and Lok Ayukta Act, 2013.  
**Ans:** Refer Q. 2.23, Page 2-18P, Unit-2.
- e. Differentiate between memorandum and article of association.  
**Ans:** Refer Q. 5.11, Page 5-8P, Unit-5.

**SECTION C**

3. Attempt any one part of the following : (10 × 1 = 10)  
 a. Explain the power and function of the Chief Minister.  
**Ans:** Refer Q. 2.28, Page 2-21P, Unit-2.
- b. What is the Local self-government system in India ?  
**Ans:** Refer Q. 1.35, Page 1-23P, Unit-1.
4. Attempt any one part of the following : (10 × 1 = 10)  
 a. Examine the Government of India Act, 1935.  
**Ans:** Refer Q. 1.10, Page 1-7P, Unit-1.
- b. Elaborate on the power and function of the Governor.  
**Ans:** Refer Q. 2.27, Page 2-20P, Unit-2.
5. Attempt any one part of the following : (10 × 1 = 10)  
 a. Explain the annual general meeting in detail.  
**Ans:** Refer Q. 5.15, Page 5-12P, Unit-5.
- b. Describe Tribunal Cyber-Appellate Tribunal.  
**Ans:** This question is out of syllabus from session (2024-25).
6. Attempt any one part of the following : (10 × 1 = 10)  
 a. Define Prospectus. Explain its types.  
**Ans:** Refer Q. 5.12, Page 5-9P, Unit-5.
- b. What are shares ? Explain different types of shares.

**Ans:** Refer Q. 5.13, Page 5-10P, Unit-5.

7. Attempt any one part of the following : (10 × 1 = 10)

a. Explain the role of engineers in E-Governance.

**Ans:** Refer Q. 5.21, Page 5-15P, Unit-5.

b. What is a joint stock company ? Discuss its characteristics.

**Ans:** Refer Q. 5.7, Page 5-6P, Unit-5.

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**B. Tech.**  
**(SEM. V) ODD SEMESTER THEORY EXAMINATION, 2023-24**  
**CONSTITUTION OF INDIA, LAW AND ENGINEERING**

Time : 3 Hours

Max. Marks : 50

Note : 1. Attempt all sections. If require any missing data; then choose suitably.

**SECTION A**

1. Attempt all questions in brief. (2 × 5 = 10)

**Ans:** Refer Q. 1.23, Page SQ-5P, Unit-1, Two Marks Questions.

b. Define term union executive.

**Ans:** Refer Q. 2.1, Page SQ-7P, Unit-2, Two Marks Questions.

c. What is sole trader ?

**Ans:** Refer Q. 5.1, Page SQ-19P, Unit-5, Two Marks Questions.

d. Define the term state executive.

**Ans:** Refer Q. 2.22, Page SQ-10P, Unit-2, Two Marks Questions.

e. Explain judicial review.

**Ans:** Refer Q. 2.14, Page SQ-9P, Unit-2, Two Marks Questions.

**SECTION B**

2. Attempt any three of the following : (5 × 3 = 15)

a. Discuss the formation of constituent assembly.

**Ans:** Refer Q. 1.5, Page 1-4P, Unit-1.

b. Explain the fundamental rights and duties.

**Ans:** Refer Q. 1.24, Page 1-16P, Unit-1.

c. Evaluate powers and functions of chancellors.

**Ans:** Refer Q. 2.10, Page 2-8P, Unit-2.

d. Mention about the Right to Information Act, 2005.

**Ans:** This question is out of syllabus from session (2024-25).

- e. Describe Company Act, 1956 and explain formation of company.

**ANS:** Refer Q. 5.6, Page 5-6P, Unit-5.

### SECTION C

3. Attempt any one part of the following :  $(5 \times 1 = 5)$

- a. Write a short note on historical background of the constituent assembly.

**ANS:** Refer Q. 1.4, Page 1-3P, Unit-1.

- b. Identify the roles of engineers in E-governance.

**ANS:** Refer Q. 5.21, Page 5-15P, Unit-5.

4. Attempt any one part of the following :  $(5 \times 1 = 5)$

- a. Evaluate powers and functions of Chief Minister.

**ANS:** Refer Q. 2.28, Page 2-21P, Unit-2.

- b. Discuss the need for and importance of contract laws under the legal system.

**ANS:** Refer Q. 3.20, Page 3-14P, Unit-3.

5. Attempt any one part of the following :  $(5 \times 1 = 5)$

- a. Discuss the need for and importance of digital signature certificates and cyber regulations.

**ANS:** This question is out of syllabus from session (2024-25).

- b. What are the principles taken from decisions of judges constituting binding legal rules ?

**ANS:** Refer Q. 3.7, Page 3-6P, Unit-3.

6. Attempt any one part of the following :  $(5 \times 1 = 5)$

- a. Discuss about the preamble of the Indian Constitution and defined fundamental rights.

**ANS:** Refer Q. 1.21, Page 1-14P, Unit-1.

- b. Write a short note on functions of Lok Sabha.

**ANS:** Refer Q. 2.5, Page 2-4P, Unit-2.

7. Attempt any one part of the following :

- a. Discuss the Information Technology Act, 2000 under intellectual property laws.  $(5 \times 1 = 5)$

**ANS:** This question is out of syllabus from session (2024-25).

- b. Discuss about the role of I.T. professionals in Judiciary.

**ANS:** Refer Q. 5.24, Page 5-17P, Unit-5.



**B. Tech.**  
**(SEM. VI) EVEN SEMESTER THEORY  
EXAMINATION, 2023-24**  
**CONSTITUTION OF INDIA, LAW AND  
ENGINEERING**

Time : 3 Hours

Max. Marks : 50

Note: 1. Attempt all sections. If require any missing data; then choose suitably.

**Section-A**

1. Attempt all questions in brief.  $(1 \times 10 = 10)$

a. What does constitutional law mean ?

Ans: Refer Q. 1.14, Page SQ-3P, Unit-1, Two Marks Questions.

b. What were the main defects of government of India Act, 1935 ?

Ans: Refer Q. 1.10, Page SQ-2P, Unit-1, Two Marks Questions.

c. How does appointment of judges in the Supreme Court ?

Ans: Refer Q. 2.13, Page SQ-9P, Unit-2, Two Marks Questions.

d. What is the main function of President in India ?

Ans: Refer Q. 2.7, Page SQ-8P, Unit-2, Two Marks Questions.

e. What is the source of law and court structures ?

Ans: Refer Q. 3.8, Page SQ-13P, Unit-3, Two Marks Questions.

f. What is the law enacted by the parliament ?

Ans: Refer Q. 3.10, Page SQ-13P, Unit-3, Two Marks Questions.

g. What are the primary sources of law ?

Ans: Refer Q. 3.5, Page SQ-12P, Unit-3, Two Marks Questions.

h. What do you mean by digital signature ?

Ans: This question is out of syllabus from session (2024-25).

i. Who makes patents legal ?

Ans: This question is out of syllabus from session (2024-25).

j. Who appoints the chairperson of the cyber-appellate tribunal ?

**ANS:** This question is out of syllabus from session (2024-25).

**Section-B**

2. Attempt any three of the following :

a. Write the features of government of India Act 1935.  $(5 \times 3 = 15)$   
**ANS:** Refer Q. 1.11, Page 1-7P, Unit-1.

b. Discuss the constitutional powers and functions of the President of India.

**ANS:** Refer Q. 2.7, Page 2-6P, Unit-2.

c. Give the functions of legislative assembly.

**ANS:** Refer Q. 2.31, Page 2-23P, Unit-2.

d. What is meant by intellectual property ? Why does intellectual property need to be promoted and protected ?

**ANS:** This question is out of syllabus from session (2024-25).

e. Discuss the role of e-governance in improving service delivery and transparency in India.

**ANS:** Refer Q. 5.22, Page 5-16P, Unit-5.

**Section-C**

3. Attempt any one part of the following :

a. Give the salient features of Indian Constitution.  $(5 \times 1 = 5)$

**ANS:** Refer Q. 1.16, Page 1-10P, Unit-1.

b. Indian constitution is a federal constitution with unitary features. Discuss.

**ANS:** Refer Q. 1.29, Page 1-18P, Unit-1.

4. Attempt any one part of the following :

a. Mention the importance of the President as ceremonial head of state and guardian of the constitution.  $(5 \times 1 = 5)$

**ANS:** Refer Q. 2.8, Page 2-7P, Unit-2.

b. Write the major provisions of the Lokpal and Lokayuktas Act 2013.

**ANS:** Refer Q. 2.25, Page 2-19P, Unit-2.

5. Attempt any one part of the following :

a. List the structure of the Indian judicial system.  $(5 \times 1 = 5)$

**ANS:** Refer Q. 3.3, Page 3-3P, Unit-3.

- b. Write any essay on the objectives of the consumer protection, Act 2019 and its salient features.  
Ans: Refer Q. 3.11, Page 3-9P, Unit-3.
6. Attempt any one part of the following: (10 × 1 = 10)  
a. Discuss the nature and scope of opposition to grant of patents.  
Ans: This question is out of syllabus from session (2024-25).
- b. What legal or administrative proceedings are available for enforcing patent rights against an infringer?  
Ans: This question is out of syllabus from session (2024-25).
7. Attempt any one part of the following: (10 × 1 = 10)  
a. Write the objectives and features of IT Act 2000.  
Ans: This question is out of syllabus from session (2024-25).
- b. How emerging technologies can transform the judicial system?  
Ans: Refer Q. 5.25, Page 5-19P, Unit-5.

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#### CAUTION NOTICE

TO STUDENTS, DEALERS, SHOPKEEPERS,  
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