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ANSWERS & EXPLANATION

GENERAL STUDIES (P) TEST – 2429 (2018)

Q 1.D

All the statements are correct.

Governor can reserve the bill for the consideration of the President at many circumstances. In one case such reservation is obligatory, that is, where the bill passed by the state legislature **endangers the position of the state High Court**. In addition, the Governor can also reserve the bill if it is of the following nature:

- Ultra-vires, that is, against the provisions of the Constitution.
- **Opposed to the Directive Principles of State Policy.**
- Against the larger interest of the country.
- Of grave national importance.
- Dealing with **compulsory acquisition of property under Article 31A of the Constitution.**

Q 2.D

With respect to elections to the Rajya Sabha,

- Domicile or residency requirement of a candidate contesting an election to the Rajya Sabha was removed by amending RPA Act, 2003. Prior to this, a candidate had to be an elector in the state from where he was to be elected. Now, it would be sufficient if he is an elector in any parliamentary constituency in the country. **Hence, statement 1 is not correct.**
- Open ballot system was introduced instead of secret ballot system, for elections to the Rajya Sabha. This was done to curb cross-voting and to wipe out the role of money power during Rajya Sabha elections. Under the new system, an elector belonging to a political party has to show the ballot paper after marking his vote to a nominated agent of that political party. **Hence, statement 2 is not correct.**

Q 3.C

- Article 323 B empowers the appropriate legislature (**Parliament or state legislature**) to establish a tribunal for the adjudication of election disputes. It also provides for the exclusion of the jurisdiction of all courts (except the special leave appeal jurisdiction of the Supreme Court) in such disputes. So far, no such tribunal has been established.

Q 4.C

The ordinance-making power is the most important legislative power of the President. It has been vested in him to deal with unforeseen or urgent matters. But, the exercise of this power is subject to the following four limitations:

- **He can promulgate an ordinance only when both the Houses of Parliament are not in session or when either of the two Houses of Parliament is not in session.** An ordinance can also be issued when only one House is in session because a law can be passed by both the Houses and not by one House alone.
- He can make an ordinance only when he is satisfied that the circumstances exist that render it necessary for him to take immediate action. In Cooper case, (1970), the Supreme Court held that the President's satisfaction can be questioned in a court on the ground of malafide. This means that the **decision of the**

President to issue an ordinance can be questioned in a court on the ground that the President has prorogued one House or both Houses of Parliament deliberately with a view to promulgate an ordinance on a controversial subject, so as to bypass the parliamentary decision and thereby circumventing the authority of the Parliament.

- His ordinance-making power is coextensive as regards all matters except duration, with the law-making powers of the Parliament.
- Every ordinance issued by the President during the recess of Parliament must be laid before both the Houses of Parliament when it reassembles.

Q 5.B

All the statements are correct.

Integrated Judicial System

Though India has a dual polity, there is no dual system of administration of justice. The Constitution, on the other hand, established an integrated judicial system.

- The Supreme Court is at the top and the state High Courts are below it.
- This single system of courts enforces both the Central laws as well as the state laws. This is done to eliminate diversities in the remedial procedure.
- The judges of a state High Court are appointed by the President in consultation with the Chief Justice of India and the Governor of the state. They can also be transferred and removed by the President.
- The Parliament can establish a common High Court for two or more states. For example, Maharashtra and Goa or Punjab and Haryana have a common High Court.

Q 6.A

Only statement (a) is not correct.

- Every LokAdalat organised for an area shall consist of such number of serving or retired judicial officers and other persons of the area as may be specified by the agency organising such Lok Adalat. Generally, a Lok Adalat consists of a judicial officer as the chairman and a lawyer and a social worker as members.
- Every award made by a Lok Adalat shall be final and binding on all parties to the dispute. No appeal shall lie in any court against the award of Lok Adalat.
- The LokAdalat shall have the same powers as are vested in a civil court under the CPC (1908).

Q 7.C

- The Governor has **constitutional discretion** in the following cases: 1. **Reservation of a bill for the consideration of the President.** 2. **Recommendation for the imposition of the President's Rule in the state.** 3. While exercising his functions as the administrator of an adjoining union territory (in case of additional charge). 4. Determining the amount payable by the Government of Assam, Meghalaya, Tripura and Mizoram to an autonomous Tribal District Council as royalty accruing from licenses for mineral exploration. 5. Seeking information from the chief minister with regard to the administrative and legislative matters of the state.
- In addition to the above constitutional discretion (i.e., the express discretion mentioned in the Constitution), the Governor, like the president, also has **situational discretion** (i.e., the hidden discretion derived from the exigencies of a prevailing political situation) in the following cases: 1. Appointment of chief minister when no party has a clear-cut majority in the state legislative assembly or when the chief minister in office dies suddenly and there is no obvious successor. 2. Dismissal of the council of ministers when it cannot prove the confidence of the state legislative assembly. 3. Dissolution of the state legislative assembly if the council of ministers has lost its majority.
- **Appointing the CM and other Ministers and making rules for more convenient transaction of the business of a state government are executive powers of the Governor.**

Q 8.C

- The House expresses its decisions or opinions on various issues through the adoption or rejection of motions moved by either ministers or private members.
- All resolutions come in the category of substantive motions, that is to say, every resolution is a particular type of motion. All motions need not necessarily be substantive. **Hence, statement 1 is correct.**
- All motions are not necessarily put to vote of the House, whereas all the resolutions are required to be voted upon. **Hence, statement 2 is correct.**

Q 9.D

Under the Constitution, a person shall be disqualified for being chosen as and for being a member of the legislative assembly:

- if he holds any office of profit under the Union or State government (except that of a minister or any other office exempted by state legislature). **Hence, statement 1 is correct.**
- if he is of unsound mind and stands so declared by a court
- if he is an undischarged insolvent.
- if he is not a citizen of India or has voluntarily acquired the citizenship of a foreign state or is under any acknowledgement of allegiance to a foreign state and
- if he is so disqualified under any law made by Parliament
- The constitution also lays down that a person shall be disqualified for being a member of either House of state legislature if he is so disqualified on the ground of defection under the provisions of the Tenth schedule. **Hence, statement 3 is correct.**
- If one is found guilty of an illegal practice in relation to election and being a director or managing agent of a corporation in which government has a financial interest.
- Section 8 of the RP Act deals with disqualification on conviction for certain offences:
 - A person convicted of any offence and sentenced to imprisonment for varying terms under Sections 8 (1) (2) and (3) shall be disqualified from the date of conviction and shall continue to be disqualified for a further period of six years since his release.
- In 2015, Supreme Court held that even after a Returning Officer has declared the result, the election can be nullified if candidate has not disclosed criminal records. **Hence, statement 2 is correct.**

Q 10.D

- The Constitution of India established a parliamentary form of government in which the Executive is responsible to the Parliament for its policies and acts. Hence, the **Parliament exercises control over the Executive through question-hour, zero hour, half-an-hour discussion, short duration discussion, calling attention motion, adjournment motion, no-confidence motion, censure motion and other discussions. It also supervises the activities of the Executive with the help of its committees like committee on government assurance, committee on subordinate legislation, committee on petitions, etc.**
- Impeachment of President is a judicial function of Parliament.
- Framing laws is a legislative power.

Q 11.D

- Prime Minister is the chairman of **NITI Aayog, National Integration Council, Inter-State Council** and National Water Resources Council.

Q 12.C

- In India, the Prime Minister enjoys a pre-eminent place in the government.
- The Council of Ministers cannot exist without the Prime Minister.
- The Council comes into existence only after the Prime Minister has taken the oath of office.
- The **death or resignation of the Prime Minister automatically brings about the dissolution of the Council of Ministers** but the demise, dismissal or resignation of a minister only creates a ministerial vacancy.
- The Prime Minister acts as a link between the Council of Ministers on the one hand and the President as well as the Parliament on the other.

- Collective responsibility is based on the principle of the solidarity of the cabinet. It implies that a **vote of no confidence even against a single minister leads to the resignation of the entire Council of Ministers**. It also indicates that if a minister does not agree with a policy or decision of the cabinet, he or she must either accept the decision or resign. It is binding on all ministers to pursue or agree to a policy for which there is collective responsibility.

Q 13.C

- Though the Constitution has adopted the system of proportional representation in the case of Rajya Sabha, it has not preferred the same system as in the case of Lok Sabha. Under this system, all sections of the people get representation in proportion to their number. Even the smallest section of the population gets its due share of representation in the legislature.
- There are two kinds of proportional representation, namely, single transferable vote system and list system. In India, **the first kind is adopted for the election of members to the Rajya Sabha and state legislative council and for electing the President and the Vice-President.**
- **The Deputy Speaker is elected in the very first meeting of the Lok Sabha after the General elections for a term of 5 years from amongst the members of the Lok Sabha.**

Q 14.B

- The Supreme Court has original and exclusive jurisdiction in matters involving election disputes of the President and Vice-President.
- The High Courts have original jurisdiction in disputes relating to the election of members of Parliament and state legislatures.

Q 15.C

Both the statements are correct.

- The President may, with the consent of the state government, entrust to that government any of the executive functions of the Centre. **The Constitution also makes a provision for the entrustment of the executive functions of the Centre to a state without the consent of that state.** But, in this case, the delegation is by the Parliament and not by the President. Thus, a law made by the Parliament on a subject of the Union List can confer powers and impose duties on a state, or authorise the conferring of powers and imposition of duties by the Centre upon a state (irrespective of the consent of the state concerned).
- **The Governor of a state may, with the consent of the Central government, entrust to that government any of the executive functions of the state.**

Q 16.A

- **Statements 1 and 2 are correct:** Article 263 contemplates the establishment of an Inter-State Council to effect coordination between the states and between Centre and states. Thus, it is a constitutional body and the President can establish such a council if at any time it appears to him that the public interest would be served by its establishment. He can define the nature of duties to be performed by such a council and its organisation and procedure.
- **Statement 3 is not correct:** The council's function to enquire and advice upon inter-state disputes is complementary to the Supreme Court's jurisdiction under Article 131 to decide a legal controversy between the governments. The Council can deal with any controversy whether legal or non-legal, but its function is advisory unlike that of the court which gives a binding decision.

Q 17.B

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

- the **elected members of both the Houses of Parliament;**
- the elected members of the legislative assemblies of the states; and
- the elected members of the legislative assemblies of the Union Territories of Delhi and Puducherry.

Thus, the nominated members of both of Houses of Parliament, the nominated members of the state legislative assemblies, **the members (both elected and nominated) of the state legislative councils (in case of the bicameral legislature)** and the nominated members of the Legislative Assemblies of Delhi and Puducherry do not participate in the election of the President.

Q 18.B

- Ordinance can only be promulgated when Legislative assembly is not in session - means it is not a parallel power of Governor.
- Governor can promulgate ordinance only on the advice of Council of Ministers - means it is not a discretionary power of Governor.
- Ordinance can be promulgated only on those subjects on which state legislature can make laws - means it is co-extensive with the legislative power of the state legislature.

Q 19.D

- The budget consists of two types of expenditure—the expenditure ‘charged’ upon the Consolidated Fund of India and the expenditure ‘made’ from the Consolidated Fund of India.
- The charged expenditure is non-votable by the Parliament, that is, it can only be discussed by the Parliament, while the other type has to be voted by the Parliament. **Hence statement 1 is not correct.**
- Salaries, allowances and pensions of the judges of the Supreme Court are charged expenditure, however for High Court Judges only the pensions comes under the charged expenditure of Consolidated Fund of India. **Hence 2nd statement is not correct.**

Q 20.C

- A town area committee is set up for the administration of a small town. It is a semi-municipal authority and is entrusted with a limited number of civic functions like drainage, roads, street lighting, and conservancy. It is created by a separate act of a state legislature. Its composition, functions and other matters are governed by the act. It may be wholly elected or wholly nominated by the state government or partly elected and partly nominated. **Hence, both statements are correct.**

Q 21.C

- **Statement 1 is correct:** A motion for removal of a judge can be initiated in either House of the Parliament. The removal motion is signed by 100 members (in the case of Lok Sabha) or 50 members (in the case of Rajya Sabha) and given to the Speaker/Chairman which may/may refuse to admit the motion.
- **Statement 2 is correct:** An impeachment motion for the removal of a judge of SC, does not lapse on dissolution of the Lok Sabha.

Q 22.A

Judicial review is the power of the SC to examine the constitutionality of legislative enactments and executive orders of both the Centre and State governments. The phrase ‘judicial review’ is nowhere mentioned in the Indian Constitution, but the provisions of several articles explicitly confer the power of judicial review on SC and the High Courts.

These provisions are:

- Article 13
- Article 32
- Article 131- **Original jurisdiction in federal disputes.**
- Article 132- **Appellate jurisdiction in constitutional matters**
- Article 133
- Article 134
- Article 134-A
- Article 135
- Article 136
- Article 143- **President seeking advisory opinion of SC on a question of law or fact.**

Q 23.D

- The salary and allowances of the Chief Minister are determined by the state legislature. **Hence, statement 1 is not correct.**
- Chief Minister’s resignation or death automatically dissolve the council of ministers but the majority party can propose a new leader as CM or Governor can appoint new CM without necessarily conducting fresh elections. **Hence, statement 2 is not correct.**

Q 24.C

Both the statements are correct.

- Article 271 says that notwithstanding anything in articles 269 and 270, Parliament may at any time increase any of the duties or taxes referred to in those articles by a surcharge for the purposes of the Union and the whole proceeds of any such surcharge shall form part of the Consolidated Fund of India. **The proceeds of such surcharges go to the Centre exclusively. In other words, the states have no share in these surcharges.**
- **The net proceeds of the taxes collected under Article 269 do not form a part of the Consolidated Fund of India.** They are assigned to the concerned states in accordance with the principles laid down by the Parliament. These taxes are:
 - Taxes on the sale or purchase of goods (other than newspapers) in the course of inter-state trade or commerce.
 - Taxes on the consignment of goods in the course of inter-state trade or commerce.

These taxes are levied and collected by the Centre but assigned to the states.

Q 25.A

The jurisdiction of a LokAdalat extends to the following:

- Any case pending before any court.
- Any matter which is falling within the jurisdiction of any court and is not brought before such court (i.e. disputes at pre-litigation stage).

Matters under jurisdiction of LokAdalat:

- Matrimonial/Family Disputes
- Criminal (compoundable offences) cases (the jurisdiction of the LokAdalat does not extend to non-compoundable offences)
- Land acquisition cases
- Labour disputes
- Workmen's compensation cases
- Bank recovery cases
- Electricity matters etc.

Q 26.A

- The Vice President is elected for five years.
- His election method is similar to that of the President, the only difference is that members of State legislatures are not part of the electoral college.
- The Vice President may be **removed from his office by a resolution of the RajyaSabha passed by an effective majority and agreed to by the LokSabha.**
- The Vice President acts as the exofficio Chairman of the RajyaSabha and takes over the office of the President when there is a vacancy by reasons of death, resignation, removal by impeachment or otherwise.
- The Vice President acts as the President only until a new President is elected.

Q 27.A

- The Constitution states that 'no money shall be withdrawn from the Consolidated Fund of India except under appropriation made by law'. Accordingly, an appropriation bill is introduced to provide for the appropriation, out of the Consolidated Fund of India. This act authorises (or legalises) the payments from the Consolidated Fund of India. This means that the **government cannot withdraw money from the Consolidated Fund of India till the enactment of the appropriation bill.**

Q 28.B

- Censure motion is moved for censuring the council of ministers for specific policies and action.
- In case of censure motion, reasons must be stated for its adoption in the LokSabha. **Hence, statement 1 is correct.**

- Censure motion can be moved against an individual minister or a group of ministers or the entire council of ministers, unlike No confidence motion which can only be moved against the entire council of ministers. **Hence, statement 2 is not correct.**
- If Censure motion is passed in the Lok Sabha, the council of ministers need not resign from the office. **Hence, statement 3 is correct.**

Q 29.D

- The **Speaker of Lok Sabha** presides over a joint sitting of the two Houses and the Deputy Speaker, in his absence. If the Deputy Speaker is also absent from a joint sitting, the **Deputy Chairman of Rajya Sabha** presides. If he is also absent, such other person as may be determined by the members present at the joint sitting, presides over the meeting. It is clear that **the Chairman of Rajya Sabha does not preside over a joint sitting as he is not a member of either House of the Parliament.**

Q 30.B

The veto power enjoyed by the executive in modern states can be classified into the following four types:

- **Absolute veto**, that is, withholding of assent to the bill passed by the legislature.
- **Qualified veto**, which can be overridden by the legislature with a higher majority.
- **Suspensive veto**, which can be overridden by the legislature with an ordinary majority.
- **Pocket veto**, that is, taking no action on the bill passed by the legislature.

Of the above four, the President of India is vested with three - absolute veto, suspensive veto and pocket veto. **There is no qualified veto in the case of Indian President;** it is possessed by the American President.

Q 31.C

Appeal by Special Leave (Article 136)

The Supreme Court is authorised to grant in its discretion special leave to appeal from any judgement in any matter passed by any court or tribunal in the country (except military tribunal and court martial). This provision contains the four aspects as under:

- It is a **discretionary power** and hence, cannot be claimed as a matter of right.
- It can be **granted in any judgement whether final or interlocutory.**
- It may be **related to any matter—constitutional, civil, criminal, income-tax, labour, revenue, advocates, etc.**
- It can be **granted against any court or tribunal and not necessarily against a High Court (except a military court). Hence, statement c is not correct,**

Thus, the scope of this provision is very wide and it vests the Supreme Court with a 'plenary jurisdiction' to hear appeals. On the exercise of this power, the Supreme Court itself held that 'being an exceptional and overriding power, it has to be exercised sparingly and with caution and only in special extraordinary situations. Beyond that it is not possible to fetter the exercise of this power by any set formula or rule'.

Q 32.A

The Lok Sabha can also express lack of confidence in the government in the following ways:

- By not passing a motion of thanks on the President's inaugural address.
- By **rejecting a money bill.**
- By **passing a censure motion or an adjournment motion.**
- By defeating the government on a vital issue.
- By **passing a cut motion.**

Q 33.A

The Constitution lays down the following two conditions of the Vice-President's office:

- **He should not be a member of either House of Parliament or a House of the state legislature.** If any such person is elected Vice-President, he is deemed to have vacated his seat in that House on the date on which he enters upon his office as Vice-President.
- He should not hold any other office of profit.

The Vice-President holds office for a term of five years from the date on which he enters upon his office. However, **he can resign from his office at any time by addressing the resignation letter to the President.** He can also be removed from the office before completion of his term. A formal impeachment is not required for his removal.

He can be removed by a resolution of the RajyaSabha passed by an absolute majority (ie, a majority of the total members of the House) and agreed to by the LokSabha.

The Vice-President can hold office beyond his term of five years until his successor assumes charge. He is also eligible for re-election to that office. He may be elected for any number of terms.

Q 34.D

A person to be eligible for election as President should fulfil the following qualifications:

- He should be a **citizen of India. (it could be by birth, descent, registration or naturalisation)**
- He should **have completed 35 years of age.**
- He should **be qualified for election as a member of the LokSabha.**
- He should not hold any office of profit under the Union government or any state government or any local authority or any other public authority. A sitting President or Vice-President of the Union, the Governor of any state and a minister of the Union or any state is not deemed to hold any office of profit and hence qualified as a presidential candidate.

Q 35.B

- Due to its federal character, the RajyaSabha has been given two exclusive or special powers that are not enjoyed by the LokSabha:
 - It can authorise the Parliament to make a law on a subject enumerated in the State List (Article 249).
 - It can authorise the Parliament to create new All-India Services common to both the Centre and states (Article 312). **Hence, statement 2 is correct.**
- The power of abolition and creation of the State legislative council is vested in Parliament of India as per article 169. But again, to create or to abolish a state legislative council, the state legislative assembly must pass a resolution, which must be supported by **majority of the strength** of the house and **2/3rd majority of the present and voting** (Absolute + Special Majority). When a legislative council is created or abolished, the Constitution of India is also changed. However, still, such type of law is not considered a Constitution Amendment Bill. (Article 169). The resolution to create and abolish a state legislative council is to be assented by the President also. **Hence, statement 1 is not correct.**
- A resolution for the discontinuance of the national emergency can be passed only by the LokSabha and not by the RajyaSabha. **Hence, statement 3 is not correct.**

Q 36.A

- The Governor is the chief executive head of the state. Usually, there is a Governor for each state, but the **7th Constitutional Amendment Act of 1956 facilitated the appointment of the same person as a Governor for two or more states.**
- The Governor is neither directly elected by the people nor indirectly elected by a specially constituted electoral college as is the case with the president. He is **appointed by the President** by warrant under his hand and seal. The Constitution lays down only two qualifications for the appointment of a person as a governor. These are: 1. He should be a citizen of India. 2. He should have completed the age of 35 years.
- However, two conventions have developed in the appointment of Governor. First, he should be an outsider, that is, he should not belong to the state where he is appointed, so that he is free from the local

politics. Second, **while appointing the Governor, the President is required to consult (and not on recommendation) the chief minister of the state concerned**, so that the smooth functioning of the constitutional machinery in the state is ensured.

Q 37.B

- The 73rd Constitutional Amendment Act has given a practical shape to Article 40 of the Constitution which says that, “The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.” This article forms a part of the Directive Principles of State Policy.

Q 38.C

- According to the PESA Act, the reservation of seats in the Scheduled Areas in every Panchayat shall be in proportion to the population of the communities for whom reservation is sought to be given under Part IX of the Constitution. However, **the reservation for the Scheduled Tribes shall not be less than one-half of the total number of seats. Further, all seats of Chairpersons of Panchayats at all levels shall be reserved for the Scheduled Tribes.**
- **Hence, statements 1 and 2 are correct.**

Q 39.C

- The country is divided into small geographical units called constituencies. Every constituency elects one representative. The winning candidate need not secure a majority of the votes. In the electoral race, the candidate who is ahead of others, who crosses the winning post first of all, is the winner. This method is also called the Plurality System. This is the method of election prescribed by the Constitution.
- Every party gets seats in the legislature in proportion to the percentage of votes that it gets - It is a feature of Proportional Representation.

Q 40.C

The Constitution lays down that a person shall be disqualified from being a member of Parliament if he is so disqualified on the ground of defection under the provisions of the Tenth Schedule. A member incurs disqualification under the defection law:

- **if he voluntary gives up the membership of the political party on whose ticket he is elected to the House;**
- **if he votes or abstains from voting in the House contrary to any direction given by his political party;**
- if any independently elected member joins any political party; and
- if any nominated member joins any political party after the expiry of six months.

The question of disqualification under the Tenth Schedule is decided by the Chairman in the case of Rajya Sabha and Speaker in the case of Lok Sabha (and not by the President of India). In 1992, the Supreme Court ruled that the decision of the Chairman/Speaker in this regard is subject to judicial review.

Q 41.A

All the statements are correct.

The Constitution has placed two restrictions on the executive power of the states in order to give ample scope to the Centre for exercising its executive power in an unrestricted manner. Thus, the executive power of every state is to be exercised in such a way

- as to ensure compliance with the laws made by the Parliament and any existing law which apply in the state; and
- as not to impede or prejudice the exercise of executive power of the Centre in the state. While the former lays down a general obligation upon the state, the latter imposes a specific obligation on the state not to hamper the executive power of the Centre.

In both the cases, the executive power of the Centre extends to giving of such directions to the state as are necessary for the purpose. The sanction behind these directions of the Centre is coercive in nature for the purpose of Article 265. It means that, in a situation where the state fails to comply with the directions of the Centre, the President's rule can be imposed in the state under Article 356.

In addition to the above two cases, the Centre is empowered to give directions to the states with regard to the exercise of their executive power in the following matters:

- the construction and maintenance of means of communication (declared to be of national or military importance) by the state;
- the measures to be taken for the **protection of the railways within the state**
- the provision of **adequate facilities for instruction in the mother-tongue at the primary stage of education** to children belonging to linguistic minority groups in the state; and
- the drawing up and **execution of the specified schemes for the welfare of the Scheduled Tribes** in the state.

The coercive sanction behind the Central directions under Article 365 (mentioned above) is also applicable in these cases.

Q 42.C

When the Lok Sabha is dissolved, all business including bills, motions, resolutions, notices, petitions and so on pending before it or its committees lapse. They (to be pursued further) must be reintroduced in the newly-constituted Lok Sabha. However, some pending bills and all pending assurances that are to be examined by the Committee on Government Assurances do not lapse on the dissolution of the Lok Sabha. The position with respect to lapsing of bills is as follows:

- **A bill pending in the Lok Sabha lapses (whether originating in the Lok Sabha or transmitted to it by the Rajya Sabha).**
- A bill passed by the Lok Sabha but pending in the Rajya Sabha lapses.
- A bill not passed by the two Houses due to disagreement and if the president has notified the holding of a joint sitting before the dissolution of Lok Sabha, does not lapse.
- **A bill pending in the Rajya Sabha but not passed by the Lok Sabha does not lapse.**
- A bill passed by both Houses but pending assent of the president does not lapse.
- A bill passed by both Houses but returned by the president for reconsideration of Houses does not lapse.

Q 43.D

- The **61st Constitutional Amendment Act of 1988** reduced the voting age from 21 years to 18 years for the Lok Sabha as well as the assembly elections. This was done in order to provide to the unrepresented youth of the country an opportunity to express their feelings and help them become a part of political process.

Q 44.A

- The **Returning Officer** of a Parliamentary or assembly constituency is responsible for the conduct of elections in the Parliamentary or assembly constituency concerned. The Election Commission of India nominates or designates an officer of the Government or a local authority as the Returning Officer for each of the assembly and parliamentary constituencies in consultation with the State Government / Union Territory Administration. In addition, the Election Commission of India also appoints one or more Assistant Returning Officers for each of the assembly and Parliamentary constituencies to assist the Returning Officer in the performance of his functions in connection with the conduct of elections.

Q 45.A

All the members of panchayats at the village, intermediate and district levels are to be elected directly by the people. **Hence, statement 1 is correct.**

A person is disqualified for being chosen as or for being a member of panchayat if he is so disqualified,

- under any law for the time being in force for the purpose of elections to the legislature of the state concerned, or
- under any law made by the state legislature.

Minimum age for election as a member of a Panchayat is 21 years not 25 years. A person is eligible to contest elections of panchayats if he has attained the age of 21 years, Article 243F (1)(a). Further, all questions of disqualifications shall be referred to such authority as the state legislature determines. **Hence, statement 2 is not correct.**

Q 46.C

- **Both the statements are correct.**
- A death sentence (popularly known as capital punishment) awarded by a sessions court or an additional sessions court should be confirmed by the High Court before it can be executed, whether there is an appeal by the convicted person or not.
- As a court of record, a High Court also has the power to review and correct its own judgement or order or decision.

Q 47.B

- **Statement 1 is correct:** If the Rajya Sabha declares that it is necessary in the national interest that Parliament should make laws on a matter in the State List, then the Parliament becomes competent to make laws on that matter. Such a resolution must be supported by two-thirds of the members present and voting.
- **Statement 2 is not correct:** This provision does not restrict the power of a state legislature to make laws on the same matter. But, in case of inconsistency between a state law and a parliamentary law, the latter is to prevail.
- **Statement 3 is not correct:** The resolution remains in force for one year; it can be renewed any number of times but not exceeding one year at a time. The laws cease to have effect on the expiration of six months after the resolution has ceased to be in force.

Q 48.B

- Rajamannar, Sarkaria and Punchhi Commission are related with Centre-State Relations.
- **Option 4 is not correct:** Fazl Ali Commission relates to the reorganisation of states. It was formed in 1953.

Q 49.C

- **Option 1 is not correct:** The Constitution (Article 143) authorises the President to seek the opinion of the Supreme Court on any dispute arising out of any pre-constitution treaty, agreement, covenant, engagement, sanad or other similar instruments. But any such advice tendered by the SC is not binding on the President.
- **Option 2 is correct:** It enquires into the conduct and behaviour of the chairman and members of the Union Public Service Commission on a reference made by the President. If it finds them guilty of misbehaviour, it can recommend to the President for their removal. The advice tendered by the Supreme Court in this regard is binding on the President.
- **Option 3 is not correct:** The Inter-State Water Disputes Act empowers the Central government to set up an ad hoc tribunal for the adjudication of a dispute between two or more states in relation to the waters of an inter-state river or river valley. The decision of the tribunal would be final and binding on the parties to the dispute. Neither the Supreme Court nor any other court is to have jurisdiction in respect of any water dispute which may be referred to such a tribunal under this Act.

Q 50.D

The Election Commission has made provision in the ballot papers/EVMs for None of the Above (NOTA) option so that voters who come to the polling booth and decide not to vote for any candidates in the fray, are able to exercise their right not to vote for such candidates while maintaining secrecy of their ballot. **Hence, statement 1 is correct.**

In 2013, the Parliament amended the Representation of People Act, 1951, to include the following two provisions:

- A person whose name has been entered in the electoral roll shall not cease to be an elector.
- Member of Parliament or State Legislature shall be disqualified under the provisions contained in the Act and on no other ground.

Consequently, the persons in jail or in police custody are allowed to contest the elections. **Hence, statement 2 is correct.**

In 2010, a provision was made to confer voting rights to the citizens of India residing outside India due to various reasons. **Hence, statement 3 is correct.**

Q 51.A

Options 5 and 3 are not correct.

Of the total number of members of a legislative council:

- 1/3 are elected by the members of local bodies in the state like **municipalities, district boards**, etc.,
- 1/12 are elected by graduates of three years standing and residing within the state,
- 1/12 are elected by **teachers** of three years standing in the state, **not lower in standard than secondary school**,
- 1/3 are elected by the **members of the legislative assembly** of the state from amongst persons who are not members of the assembly, and
- The **remainder are nominated by the Governor from amongst persons who have a special knowledge or practical experience of literature, science, art, cooperative movement and social service.**

Thus, **5/6 of the total number of members of a legislative council are indirectly elected and 1/6 are nominated by the Governor.** The members are elected in accordance with the system of proportional representation by means of a single transferable vote. The bonafides or propriety of the Governor's nomination in any case cannot be challenged in the courts.

Q 52.C

- **Article 243I of the Indian Constitution prescribes that the Governor of a State shall, as soon as may be within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992, and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations to the Governor as to**

The principles which should govern

1. **The distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State**, which may be divided between them under this Part and the allocation between the Panchayats at all levels of their respective shares of such proceeds;
2. The determination of the taxes, duties, tolls and fees which may be assigned as, or appropriated by, the Panchayats;
3. The grants-in-aid to the Panchayats from the Consolidated Fund of the State;
4. The measures needed to improve the financial position of the Panchayats;
5. Any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Panchayats.

Article 243Y of the Constitution further provides that the Finance Commission constituted under Article 243 I shall make similar recommendation vis-a-vis municipalities.

Hence, both the statements are correct.

Q 53.B

The Constitution (Article 105) explicitly mentioned two privileges, that is, **freedom of speech in Parliament and right of publication of its proceedings**.

According to Article 105,

- Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of Parliament, there shall be freedom of speech in Parliament.
- No member of Parliament shall be liable to any proceedings in any court in respect of any thing said or any vote given by him in Parliament or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings.

Contempt of House by an individual is not a parliamentary privilege mentioned in the Constitution.

Q 54.A

- There are many ways in which the Parliament can control the executive. But basic to them all is the power and freedom of the legislators as people's representatives to work effectively and fearlessly. For instance, no action can be taken against a member for whatever the member may have said in the legislature. This is known as parliamentary privilege. The main purpose of such privileges is to enable the members of the legislature to represent the people and exercise effective control over the executive.

Q 55.C

Article 72 of the Constitution empowers the President to grant pardons to persons who have been tried and convicted of any offence in all cases where the:

- **Punishment or sentence is for an offence against a Union Law;**
- **Punishment or sentence is by a court martial (military court); and**
- **Death Sentence.**

The pardoning power of the President is independent of the Judiciary; it is an executive power. But, the President while exercising this power, does not sit as a court of appeal.

Q 56.D

The factors that limit the sovereignty of Indian Parliament are:

- **Written Nature of the Constitution** - The Constitution is the fundamental law of the land in our country. Parliament has to operate within the limits prescribed by the Constitution. **Rigid nature of Constitution doesn't affect parliamentary sovereignty. Hence, Option 2 is not correct.**
- **Federal System of Government** - India has a federal system of government with a constitutional division of powers between the Union and the states. Both have to operate within the spheres allotted to them. Hence, the law-making authority of the Parliament gets confined to the subjects enumerated in the Union List and Concurrent List.
- **System of Judicial Review** - The adoption of an independent Judiciary with the power of judicial review also restricts the supremacy of our Parliament. Both the Supreme Court and High Courts can declare the laws enacted by the Parliament as void and ultra vires.
- **Fundamental Rights** - The authority of the Parliament is also restricted by the incorporation of a code of justiciable fundamental rights under Part III of the Constitution. Article 13 prohibits the State from making a law that either takes away totally or abrogates in part a fundamental right. Hence, a Parliamentary law that contravenes the fundamental rights shall be void.

Q 57.B

- All doubts and disputes in connection with election of the Vice-President are inquired into and decided by the Supreme Court whose decision is final. The election of a person as Vice-President cannot be challenged on the ground that the electoral college was incomplete (i.e., existence of any vacancy among

the members of electoral college). If the election of a person as Vice-President is declared void by the Supreme Court, acts done by him before the date of such declaration of the Supreme Court are not invalidated (i.e., they continue to remain in force). Hence, statement 1 is not correct.

- While acting as President or discharging the functions of President, the Vice-President does not perform the duties of the office of the chairman of Rajya Sabha. During this period, those duties are performed by the Deputy Chairman of Rajya Sabha. Hence, statement 2 is correct.

Q 58.D

The Speaker is elected by the Lok Sabha from amongst its members (as soon as may be, after its first sitting).

Usually, the Speaker remains in office during the life of the Lok Sabha. However, he has to vacate his office earlier in any of the following three cases:

- if he ceases to be a member of the Lok Sabha;
- if he resigns by writing to the Deputy Speaker (and not the President of India); and
- if he is removed by a resolution passed by a majority of all the members of the Lok Sabha. Such a resolution can be moved only after giving 14 days' advance notice.

He can be removed only by a resolution passed by the Lok Sabha by an absolute majority (ie, a majority of the total members of the House) and not by an ordinary majority (ie, a majority of the members present and voting in the House). This motion of removal can be considered and discussed only when it has the support of at least 50 members.

Q 59.A

The Constitution provides for a three-fold distribution of legislative subjects between the Centre and the states, viz., List-I (the Union List), List-II (the State List) and List-III (the Concurrent List) in the Seventh Schedule:

- The Parliament has exclusive powers to make laws with respect to any of the matters enumerated in the Union List.
- The state legislature has 'in normal circumstances' exclusive powers to make laws with respect to any of the matters enumerated in the State List.
- Both, the Parliament and state legislature can make laws with respect to any of the matters enumerated in the Concurrent List.
- The power to make laws with respect to residuary subjects (i.e., the matters which are not enumerated in any of the three lists) is vested in the Parliament.

Q 60.C

- **Statement 1 is correct:** Originally, the Indian Constitution, like any other federal constitution, provided for a dual polity and contained provisions with regard to the organisation and powers of the Centre and the states.
- **Statement 2 is not correct:** Unlike in other federations, the states in India have no right to territorial integrity. The Parliament can by unilateral action change the area, boundaries or name of any state. Moreover, it requires only a simple majority and not a special majority. Hence, the Indian Federation is 'an indestructible Union of destructible states'. The American Federation, on the other hand, is described as 'an indestructible Union of indestructible states'.
- **Statement 3 is correct:** The states are given representation in the Rajya Sabha on the basis of population. Hence, the membership varies from 1 to 31. In US, on the other hand, the principle of equality of representation of states in the Upper House is fully recognised. Thus, the American Senate has 100 members, two from each state. This principle is regarded as a safeguard for smaller states.

Q 61.A

- **Statement 1 is correct** as the joint sitting is governed by the Rules of Procedure of Lok Sabha and not of Rajya Sabha.

- Joint sitting is called for ordinary bills or financial bills (other than money bills) and not to money bills or Constitutional amendment bills. In the case of a money bill, the Lok Sabha has overriding powers, while a Constitutional amendment bill must be passed by each House separately. **Hence statement 2 is not correct.**

Q 62.B

The compulsory (obligatory or mandatory) and voluntary (discretionary or optional) provisions (features) of the 73rd Constitutional Amendment Act (1992) or the Part IX of the Constitution:

- Compulsory Provisions**
 - Organisation of Gram Sabha in a village or group of villages.**
 - Establishment of panchayats at the village, intermediate and district levels.
 - Direct elections to all seats in panchayats at the village, intermediate and district levels.
 - Indirect elections to the post of chairperson of panchayats at the intermediate and district levels.
 - 21 years to be the minimum age for contesting elections to panchayats.
 - Reservation of seats (both members and chairpersons) for SCs and STs in panchayats at all the three levels.
 - Reservation of one-third seats (both members and chairpersons) for women in panchayats at all the three levels.**
 - Fixing tenure of five years for panchayats at all levels and holding fresh elections within six months in the event of supersession of any panchayat.
 - Establishment of a State Election Commission for conducting elections to the panchayats.
 - Constitution of a State Finance Commission after every five years to review the financial position of the panchayats.
- Voluntary Provisions**
 - Giving representation to members of the Parliament (both the Houses) and the state legislature (both the Houses) in the panchayats at different levels falling within their constituencies.
 - Providing reservation of seats (both members and chairpersons) for backward classes in panchayats at any level.
 - Granting powers and authority to the panchayats to enable them to function as institutions of self-government (in brief, making them autonomous bodies).
 - Devolution of powers and responsibilities upon panchayats to prepare plans for economic development and social justice; and to perform some or all of the 29 functions listed in the Eleventh Schedule of the Constitution.**
 - Granting financial powers to the panchayats, that is, authorizing them to levy, collect and appropriate taxes, duties, tolls and fees.

Q 63.B

- The Model Code of Conduct for guidance of political parties and candidates is a set of norms which has been **evolved with the consensus of various political parties** who have consented to abide by the principles embodied in the said code and also binds them to respect and observe it in its letter and spirit. **Hence, statement 1 is not correct.**
- The model code of conduct also prescribes guidelines for the ruling party either at the Centre or in the state to ensure that a level field is maintained and that no cause is given for any complaint that the ruling party has used its official position for the purposes of its election campaign. **Hence, statement 2 is correct.**

Q 64.A

There are at least three situations where the President can exercise the powers using his or her own discretion.

- The President can send back the advice given by the Council of Ministers and ask the Council to reconsider the decision.** In doing this, the President acts on his (or her) own discretion.
- The President also has veto power by which he can withhold or refuse to give assent to Bills (other than Money Bill) passed by the Parliament. Every bill passed by the Parliament goes to the President for his assent before it becomes a law. The President can send the bill back to the Parliament asking it to reconsider the bill. This 'veto' power is limited because, if the Parliament passes the same bill again and sends it back to the President, then, the President has to give assent to that bill. However, there is no

mention in the Constitution about the time limit within which the President must send the bill back for reconsideration. This means that the President can just keep the bill pending with him without any time limit. This gives the President an informal power to use the veto in a very effective manner. This is sometimes referred to as 'pocket veto'.

- The third kind of discretion arises more out of political circumstances. **Formally, the President appoints the Prime Minister. Normally, in the parliamentary system, a leader who has the support of the majority in the Lok Sabha would be appointed as Prime Minister and the question of discretion would not arise.** But imagine a situation when after an election, no leader has a clear majority in the Lok Sabha. Imagine further that after attempts to forge alliances, two or three leaders are claiming that they have the support of the majority in the house. Now, the President has to decide whom to appoint as the Prime Minister. In such a situation, the President has to use his own discretion in judging who really may have the support of the majority or who can actually form and run the government.

Appointment of Chief Justice of India is not a discretionary power of the President.

Q 65.B

- The President of India appoints the **Prime Minister and the other ministers. They hold office during his pleasure.**
- He also appoints the **Attorney general of India** and determines his remuneration. The **Attorney general holds office during the pleasure of the President.**
- President appoints the comptroller and auditor general of India, the chief election commissioner and other election commissioners, the chairman and members of the Union Public Service Commission, the governors of states, the chairman and members of finance commission, and so on.
- The Vice-President, like the president, is elected not directly by the people but by the method of indirect election. He is elected by the members of an electoral college consisting of the members of both Houses of Parliament. **Vice President does not hold office at the Pleasure of the President.**

Q 66.D

- The President can transfer a Judge from one High Court to another after consulting Chief Justice of India. On transfer, he is entitled to receive in addition to his salary such compensatory allowance as may be determined by the Parliament.

Q 67.C

- Legislative assembly can pass the bill second time to override legislative council. The Constitution does not provide for the mechanism of joint sitting of two Houses of the state legislature to resolve a deadlock between them over the passage of a bill. The legislative assembly can override the legislative council by passing the bill for the second time. Therefore the final power of passing an ordinary bill lies with the assembly. At the most, the council can detain or delay the bill for the period of four months.

Q 68.D

- The office of the State Election Commissioner is autonomous like the Election Commissioner of India. However, the State Election Commissioner is an independent officer and is not linked to nor is this officer under the control of the Election Commission of India. **Hence, statement 1 is not correct.**
- The State Election Commissioner is responsible for conducting elections to the Panchayati Raj institutions. The Election Commission of India conducts election for the state legislatures. **Hence, statement 2 is not correct.**

Q 69.B

- The President from time to time **summons** each House of Parliament to meet.
- **Prorogation** terminates a sitting but also a session of the House and it is done by the President.
- **Adjournment** only terminates a sitting and not a session of the House. It is done by the **Speaker** in case of Lok Sabha.
- **Dissolution** of Lok Sabha is done by the President.

Q 70.C

- **Statement 1 is correct:** It is the speaker of legislative assembly who decides whether a bill is money bill or not. The decision of the Speaker in this regard is final.
- **Statement 2 is correct:** A Money Bill cannot be introduced in the legislative council. It can be introduced in the legislative assembly only and that too on the recommendation of the governor.

Q 71.C

- The **Delimitation Commission** is appointed by the President of India and works in collaboration with the Election Commission of India. It is **appointed for the purpose of drawing up the boundaries of constituencies all over the country.**

Q 72.A

- **Statements 1 and 2 are correct:** Similar to the President in case of Centre, the executive power of the state is vested with Governor. He holds office during the pleasure of the President but the grounds for his removal are not laid down in the Constitution. This has often led to many controversies in the removal of the Governor. **Hence, statement 3 is not correct.**

Q 73.B

- The President holds office for a term of five years from the date on which he enters upon his office. However, **he can resign from his office at any time by addressing the resignation letter to the Vice-President.**

Q 74.D

- A minister who is not a member of the Parliament (either house) for any period of six consecutive months shall cease to be a minister. But, such a minister can remain as a minister for the duration of 6 months without being a MP. **Hence, statement 1 is not correct.**
- The salaries and allowances of ministers are determined by the Parliament and not mentioned in the Constitution. **Hence, statement 2 is not correct.**

Q 75.B

Statement 1 is not correct: The Constitution does not provide for the formation of special tribunals for the adjudication of inter-state water disputes. Rather Article 262 of the Constitution provides for the adjudication of inter-state water disputes. It makes two provisions:

- Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution and control of waters of any inter-state river and river valley.
- Parliament may also provide that neither the Supreme Court nor any other court is to exercise jurisdiction in respect of any such dispute or complaint. **Hence, statement 2 is correct.**

Under this provision, the Parliament has enacted two laws [the River Boards Act (1956) and the Inter-State Water Disputes Act (1956)].

The Inter-State Water Disputes Act empowers the Central government to set up an ad hoc tribunal for the adjudication of a dispute between two or more states in relation to the waters of an inter-state river or river valley. The decision of the tribunal would be final and binding on the parties to the dispute. Neither the Supreme Court nor any other court is to have jurisdiction in respect of any water dispute which may be referred to such a tribunal under this Act.

Q 76.A

- A cantonment board is established for municipal administration for civilian population in the cantonment area. **Hence, statement 1 is correct.**
- It is set up under the provisions of the Cantonments Act of 2006—a legislation enacted by the Central government **Hence, statement 2 is not correct.** It works under the administrative control of the defence ministry of the Central government.

- A cantonment board consists of partly elected and partly nominated members. The elected members hold office for a term of five years while the nominated members (i.e., ex-officio members) continue so long as they hold the office in that station. The military officer commanding the station is the ex-officio president of the board and presides over its meetings. The vice-president of the board is elected by the elected members from amongst themselves for a term of five years. **Hence, statement 3 is not correct.**

Q 77.B

Dual citizenship is not an essential feature of a federal polity. In some federal countries like India, there is single citizenship.

Essential features of a federal polity:

- Two set of polities- at the national level and at the regional level
- Written constitution
- Rigid constitution
- Supremacy of Constitution
- Independent judiciary
- Bicameral legislature
- Division of powers between the national and regional governments.

Q 78.A

- Democratic elections require that **all adult citizens of the country must be eligible to vote in the elections.** This is known as universal adult franchise. One of the important decisions of the framers of the Indian Constitution was to guarantee every adult citizen in India, the right to vote. Adult franchise ensures that all citizens are able to participate in the process of selecting their representative. This is consistent with the principle of equality and non-discrimination.

Q 79.C

- **According to the Constitution, the Chief Minister may be a member of any of the two Houses of a state legislature.** Usually Chief Ministers have been selected from the Lower House (legislative assembly), but, on a number of occasions, a member of the Upper House (legislative council) has also been appointed as Chief Minister
- The Chief minister of the state has to **undertake additional oath of secrecy which is similar to that of other state ministers.**
- The term of the Chief Minister is not fixed and **he holds office during the pleasure of the Governor.** However, this does not mean that the Governor can dismiss him at any time. He cannot be dismissed by the Governor as long as he enjoys the majority support in the legislative assembly. This was ruled by the Supreme Court in *S R Bommai v. Union of India*, (1994).

Q 80.D

- The Speaker of the Lok Sabha derives his powers and duties from three sources, that is, the **Constitution of India, the Rules of Procedure and Conduct of Business of Lok Sabha, and Parliamentary Conventions** (residuary powers that are unwritten or unspecified in the Rules).

Q 81.D

- **Both the statements are not correct.**
- **A judge of a high court subscribes oath before the Governor of that state or some person appointed by him for the purpose.**
- **A judge of a high court can resign from his office by writing to the President.**
- The salaries and allowances of the judges, the salaries, allowances and pensions of the staff as well as the administrative expenses of a high court are charged on the consolidated fund of the state. But the pension of a high court judge is charged on the Consolidated Fund of India and not the state.

Q 82.B

- The 73rd Constitutional Amendment Act of 1992 added a new Part-IX to the Constitution of India. **Hence, option 1 is not correct.**
- It is entitled as 'The Panchayats' and consists of provisions from Articles 243 to 243 O. **The 74th Constitutional Amendment Act added the Part IX-A to the Constitution of India (The Municipalities).**
- The 73rd Constitutional Amendment Act of 1992 provided for the establishment of a State Election Commission for conducting elections to the panchayats. **Hence, option 2 is correct.**
- The **74th Constitutional Amendment Act provided for the constitution of the District Planning Committees** at the district level in every state. **Hence, option 3 is not correct.**

Q 83.B

- **Due Process of Law:** It is the legal requirement that the state must respect all of the legal rights that are owed to a person and laws that states enact must conform to the laws of the land like - fairness, fundamental rights, liberty etc. It also gives the judiciary to access the fundamental fairness, justice, and liberty of any legislation.
- It can declare laws violative of the rights of the citizens void not only on substantive grounds of being unlawful but also on procedural grounds of being unreasonable. Thus the doctrine of due process is wider as it contains within itself the doctrine of procedure established by law. **(Statement 2 is correct).**
- **Procedure Established by Law:** It means that a law that is duly enacted by legislature or the concerned body is valid if it has followed the correct procedure. Say a law enacted by Indian legislature. Article 21 of Indian Constitution says that- 'No person shall be deprived of his life or personal liberty except according to procedure established by law'. In India, there is no mention of the word 'Due Process'. A strict literal interpretation of Procedure established by Law give the legislative authority an upper hand and they may enact laws which may not be fair from a liberal perspective. **(Statement 1 is not correct)**
- **Difference between Due Process and Procedure Established by Law:** The difference between 'due process of law' and 'procedure established by law' is that under the American system, a law must satisfy the criteria of a liberal democracy. In India 'procedure established by law', on the other hand, means a law duly enacted is valid even if it's contrary to principles of justice and equity.
- **Situation in India:** However, in India a liberal interpretation is made by judiciary after 1978 and it has tried to make the term 'Procedure established by law' as synonymous with 'Due process' when it comes to protect individual rights. In Maneka Gandhi vs Union of India case (1978) SC held that -
- 'Procedure established by law' within the meaning of article 21 must be 'right and just and fair' and 'not arbitrary, fanciful or oppressive' otherwise, it would be no procedure at all and the requirement of Article 21 would not be satisfied. Thus, the 'procedure established by law' has acquired the same significance in India as the 'due process of law' clause in America.

Q 84.B

- The term Panchayati Raj in India signifies the system of rural local self-government. It has been established in all the states of India by the Acts of the state legislatures to build democracy at the grass root level. **The subject of 'Local Government' is mentioned in the State List under the Seventh Schedule of the Constitution.**

Q 85.D

Both the statements are not correct.

Following are the features of Cabinet Committees:

- They are extra-constitutional in emergence. In other words, they are not mentioned in the Constitution. However, the Rules of Business provide for their establishment. They are set up by the Prime Minister according to the exigencies of the time and requirements of the situation. Hence, their number, nomenclature, and composition varies from time to time.
- Their membership varies from three to eight. They usually include only Cabinet Ministers. **However, the non-cabinet Ministers are not debarred from their membership.**

- They not only include the Ministers in charge of subjects covered by them but also include other senior Ministers.
- **They are mostly headed by the Prime Minister. Some times other Cabinet Ministers, particularly the Home Minister or the Finance Minister, also acts as their Chairman. But, in case the Prime Minister is a member of a committee, he invariably presides over it.**
- They not only sort out issues and formulate proposals for the consideration of the Cabinet, but also take decisions. However, the Cabinet can review their decisions.

Q 86.A

- The first hour of every parliamentary sitting is slotted for the Question Hour. During this time, the members ask questions and the ministers usually give answers. The zero hour starts immediately after the question hour and lasts until the agenda for the day (ie, regular business of the House) is taken up. In other words, the time gap between the question hour and the agenda is known as zero hour. **Hence, statement 1 is not correct.**
- Unlike the question hour, the zero hour is not mentioned in the Rules of Procedure. Thus it is an informal device available to the members of the Parliament to raise matters without any prior notice. **Hence, statement 2 is not correct.**
- It is an Indian innovation in the field of parliamentary procedures and has been in existence since 1962. **Hence, statement 3 is correct.**

Q 87.C

- **All the statements are correct.**
- **The writ jurisdiction of a High Court is wider than that of the Supreme Court.** The Supreme Court can issue writs only for the enforcement of fundamental rights whereas a High Court can issue writs not only for the enforcement of Fundamental Rights but also for any other purpose. The expression 'for any other purpose' refers to the enforcement of an ordinary legal right. Thus, the writ jurisdiction of the Supreme Court, in this respect, is narrower than that of High Court.
- A remedy under Article 32 is in itself a Fundamental Right and hence, the Supreme Court may not refuse to exercise its writ jurisdiction. On the other hand, **a remedy under Article 226 is discretionary and hence, a High Court may refuse to exercise its writ jurisdiction.** Article 32 does not merely confer power on the Supreme Court as Article 226 does on a High Court to issue writs for the enforcement of fundamental rights or other rights as part of its general jurisdiction. The Supreme Court is thus constituted as a defender and guarantor of the fundamental rights.
- **The Parliament (under Article 32) can empower any other court to issue these writs.**

Q 88.D

Statement 1 is not correct: Money Bill and Financial Bill (I) can be introduced only on the recommendation of the President, but recommendation of the President is not necessary for the introduction of Financial bill (II). Therefore, not all financial bills require prior recommendation of the President to be introduced.

Statement 2 is not correct: Financial bills are of three kinds:

- Money bills- Article 110;
- Financial bills (I)- Article 117 (1);
- Financial bills (II)- Article 117 (3).

This classification implies that money bills are simply a species of financial bills. Hence, all money bills are financial bills but all financial bills are not money bills. Only those financial bills are money bills which contain exclusively those matter, which are mentioned in Article 110 of the Constitution.

Q 89.B

- Before the 91st Amendment Act (2003), the size of the Council of Ministers was determined according to exigencies of time and requirements of the situation. But this led to very large size of the Council of Ministers. Besides, when no party had a clear majority, there was a temptation to win over the support of the members of the Parliament by giving them ministerial positions as there was no restriction on the

number of the members of the Council of Ministers. This was happening in many States also. Therefore, an amendment was made that **the Council of Ministers shall not exceed 15 percent of total number of members of the House of People (or Assembly, in the case of the States).**

- The Council of Ministers is collectively responsible to the Lok Sabha.

Q 90.C

The 74th Constitutional Amendment Act provides for the constitution of the following three types of municipalities in every state.

- A Nagar Panchayat (by whatever name called) for a transitional area, that is, an area in transition from a rural area to an urban area.
- A Municipal Council for a smaller urban area.
- A Municipal Corporation for a larger urban area.

The Mandal/Block Panchayat is the intermediate level of the Panchayats, between Village Panchayats (Gram Panchayats) and Zila Parishad (District council). **Hence, option 2 does not come under 74th constitutional amendment act.**

Q 91.B

Cabinet:

- It is a part of the council of ministers. It is a smaller body consisting of 15 to 20 ministers and includes the cabinet ministers only.
- It meets, as a body, frequently and usually once in a week to deliberate and take decisions regarding the transaction of government business. Thus, it has collective functions.
- **It directs the council of ministers by taking policy decisions which are binding on all ministers.**
- It supervises the implementation of its decisions by the council of ministers.
- It was inserted in Article 352 of the Constitution in 1978 by the 44th Constitutional Amendment Act. Thus, it did not find a place in the original text of the Constitution. Now also, **Article 352 only defines the cabinet saying that it is 'the council consisting of the prime minister and other ministers of cabinet rank appointed under Article 75** and does not describe its powers and functions.

Q 92.C

- **Consolidated Fund of India** is a fund to which all receipts are credited and all payments are debited, i.e. (a) all revenues received by the Government of India; (b) all **loans raised by the Government by the issue of treasury bills**, loans or ways and means of advances; and (c) all money received by the government in repayment of loans forms the Consolidated Fund of India. All the legally authorized payments on behalf of the Government of India are made out of this fund. No money out of this fund can be appropriated (issued or drawn) except in accordance with a parliamentary law.
- All other public money (other than those which are credited to the Consolidated Fund of India) received by or on behalf of the Government of India shall be credited to the **Public Account of India**. This includes **provident fund deposits, judicial deposits, savings bank deposits, departmental deposits, remittances and so on**. This account is operated by executive action, that is, the payments from this account can be made without parliamentary appropriation. Such payments are mostly in the nature of banking transactions.
- **Stamp duty forms part of the Consolidated Fund of State.**

Q 93.A

- When the Constitution of India was written, India **already had some experience of running the parliamentary system under the Acts of 1919 and 1935.**
- This experience had shown that in the parliamentary system, the executive can be effectively controlled by the representatives of the people.
- The makers of the Indian Constitution wanted to ensure that the government would be sensitive to public expectations and would be responsible and accountable.

- The other alternative to the parliamentary executive was the presidential form of government. But the presidential executive puts much emphasis on the president as the chief executive and as source of all executive power. **There is the danger of personality cult in presidential executive.**
- The makers of the Indian Constitution wanted a government that would have a strong executive branch, but at the same time, enough safeguards should be there to check against the personality cult.
- In the parliamentary form **there are many mechanisms that ensure that the executive will be answerable to and controlled by the legislature or people's representatives.**
- So the Constitution adopted the parliamentary system of executive for the governments both at the national and State levels.
- **In a Parliamentary form of government the decisions are generally made by extensive discussion and consensus building and thus can lead to delay in decision making.**

Q 94.A

The behaviour of voter is influenced by several factors such as religion, caste, community, language, money, policy or ideology, purpose of the polls, extent of franchise, political wave etc. The political parties and groups make use of these variables for the sake of winning elections.

- **Caste** - It has deep roots in the society and constitutes an important basis of social relations at all levels. Despite the adoption of several provisions which prohibit action and discrimination on its basis, caste continues to be a determinant of political behaviours. Caste is a factor in the selection of candidates for contesting an election from a constituency. Large and important castes in a constituency tend to back candidates and political parties with whom their caste members identify.
- **Region** - Regionalism and sub nationalism play an important role in voting behavior. These parochial feelings of sub nationalism lead to emergence of regional parties. Regional parties appeal to electorate on grounds on regional ethnic identities.
- **Religion** - Despite India being a secular country, existence of communal parties has led to politicization of religion. Political parties seek votes by playing the religious card to woo the members of religious communities.
- **Money** - Money as such plays a vital role in determining voting behaviour of the people in India. Despite limits on election expenditures, crores are spent on freebies and providing services.
- **Language** - India is a multi-lingual state. Since people have emotional attachment with their languages, they easily get influenced whenever any issue concerned with their language and identity props up during elections.

Q 95.B

- A Governor nominates **one-sixth of the members of the state legislative council** from amongst persons having special knowledge or practical experience in literature, science, art, co-operative movement and social service.
- He also nominates **one member to the state legislative assembly from the Anglo-Indian Community.**
- Under **Article 243ZD**, the chairperson of a District Planning Committee is elected and the state legislature provides for the manner of such an election.

Q 96.B

- Every member of Parliament, who is not a Minister, is called a Private Member. Even a member of Parliament from ruling party who is not a Minister, is a Private Member. **Hence, statement 1 is correct.**
- A member who wants to introduce a Bill has to give prior notice thereof. The period of notice for introduction of a Bill is one month. **Hence statement 2 is correct.**
- Its drafting is the responsibility of the member concerned. **Hence, statement 3 is not correct.**

Q 97.C

- **Both the statements are correct.**
- While the proclamation of national emergency (under Article 352) is in operation, the president can modify the constitutional distribution of revenues between the Centre and the states. This means that the President can either reduce or cancel the transfer of finances (both tax sharing and grants-in-aid) from the

Centre to the states. Such modification continues till the end of the financial year in which the emergency ceases to operate.

- The property of Centre is exempted from all taxes imposed by a state or any authority within a state like municipalities, district boards, panchayats and so on. But, the Parliament is empowered to remove this ban. The word 'property' includes lands, buildings, chattels, shares, debts, everything that has a money value, and every kind of property- movable or immovable and tangible or intangible. Further, the property may be used for sovereign (like armed forces) or commercial purposes.

Q 98.A

- Consultative committees are attached to various ministries/departments of the central government. They consist of members of both the Houses of Parliament. **Hence, statement 1 is correct.**
- These committees are constituted by the Ministry of Parliamentary Affairs. The guidelines regarding the composition, functions and procedures of these committees are formulated by this Ministry. **Hence, statement 2 is correct.**
- The Minister / Minister of State in charge of the Ministry concerned acts as the chairman of the consultative committee of that ministry. It is Departmental Standing Committee in which a minister is not eligible to be nominated as a member. **Hence, statement 3 is not correct.**

Q 99.C

The President is an integral part of the Parliament of India, and enjoys the following legislative powers.

- He can summon or prorogue the Parliament and dissolve the Lok Sabha. He can also summon a joint sitting of both the Houses of Parliament, which is presided over by the Speaker of the Lok Sabha.
- He can address the Parliament at the commencement of the first session after each general election and the first session of each year.
- He can send messages to the Houses of Parliament, whether with respect to a bill pending in the Parliament or otherwise.
- He can appoint any member of the Lok Sabha to preside over its proceedings when the offices of both the Speaker and the Deputy Speaker fall vacant. Similarly, he can also appoint any member of the Rajya Sabha to preside over its proceedings when the offices of both the Chairman and the Deputy Chairman fall vacant.
- He nominates 12 members of the Rajya Sabha from amongst persons having special knowledge or practical experience in literature, science, art and social service.
- **He can nominate two members to the Lok Sabha from the Anglo-Indian Community. Hence, statement 1 is not correct.**
- He decides on questions as to disqualifications of members of the Parliament, in consultation with the Election Commission.
- His prior recommendation or permission is needed to introduce certain types of bills in the Parliament. For example, a bill involving expenditure from the Consolidated Fund of India, or a bill for the alteration of boundaries of states or creation of a new state.
- When a bill is sent to the President after it has been passed by the Parliament, he can:
 - give his assent to the bill, or
 - withhold his assent to the bill, or
 - **return the bill (if it is not a money bill) for reconsideration of the Parliament. Hence, statement 2 is not correct.**

Q 100.D

- An ordinary bill can be introduced in either House of Parliament. Such a bill can be introduced either by a minister or by any other member. When the House grants leave to introduce the bill, the mover of the bill introduces it by reading its title and objectives. No discussion on the bill takes place at this stage. Later, the bill is published in the Gazette of India. If a bill is published in the Gazette before its introduction, leave of the House to introduce the bill is not necessary. **The introduction of the bill and its publication in the Gazette constitute the first reading of the bill.**

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