



ANSWERS & EXPLANATION

GENERAL STUDIES (P) TEST – 2428 (2018)

Q 1.D

Article 20 dealing with Protection in respect of Conviction of offences has three provisions :

- No ex-post-facto law: No person shall be (i) convicted of any offence except for violation of a law in force at the time of the commission of the act, nor (ii) subjected to a penalty greater than that prescribed by the law in force at the time of the commission of the act. An ex-post-facto law is one that imposes penalties retrospectively (retroactively), that is, upon acts already done or which increases the penalties for such acts. However, this limitation is imposed only on criminal laws and not on civil laws or tax laws. In other words, a civil liability or a tax can be imposed retrospectively. **Hence, statement 1 is not correct.**
- No double jeopardy: No person shall be prosecuted and punished for the same offence more than once. The protection against double jeopardy is available only in proceedings before a court of law or a judicial tribunal. In other words, it is not available in proceedings before departmental or administrative authorities as they are not of judicial nature.
- No self-incrimination: No person accused of any offence shall be compelled to be a witness against himself. The protection against self-incrimination extends to both oral evidence and documentary evidence. Further, it extends only to criminal proceedings and not to civil proceedings or proceedings which are not of criminal nature. **Hence statement 2 is not correct.**

Q 2.C

- Constitutionalism is a concept which means that Government derives its authority from a fundamental body of law and is legally limited in its powers by the same. It does not have any relation to written or unwritten constitution or the political system of a country.

Q 3.B

- **Statement 1 is not correct:** The writ of habeas corpus can be issued against both public authorities as well as private individuals. The writ, on the other hand, is not issued where the (a) detention is lawful, (b) the proceeding is for contempt of a legislature or a court, (c) detention is by a competent court, and (d) detention is outside the jurisdiction of the court.
- **Statement 2 is not correct:** The writ of prohibition can be issued only against judicial and quasi-judicial authorities. It is not available against administrative authorities, legislative bodies, and private individuals or bodies.
- **Statement 3 is correct:** Unlike the other four writs, the writ of quo-warranto can be sought by any interested person and not necessarily by the aggrieved person. The writ can be issued only in case of a substantive public office of a permanent character created by a statute or by the Constitution. It cannot be issued in cases of ministerial office or private office.
- **Mandamus:** The writ of mandamus cannot be issued (a) against a private individual or body; (b) to enforce departmental instruction that does not possess statutory force; (c) when the duty is discretionary and not mandatory; (d) to enforce a contractual obligation; (e) against the president of India or the state governors; and (f) against the chief justice of a high court acting in judicial capacity.
- **Certiorari:** Till recently, the writ of certiorari could be issued only against judicial and quasi-judicial authorities and not against administrative authorities. However, in 1991, the Supreme Court ruled that the

certiorari can be issued even against administrative authorities affecting rights of individuals. Like prohibition, certiorari is also not available against legislative bodies and private individuals or bodies.

Q 4.D

- The Directive Principles along with the Fundamental Rights contain the philosophy of the Constitution and is the soul of the Constitution. Granville Austin has described the Directive Principles and the Fundamental Rights as the 'Conscience of the Constitution'.

Q 5.D

A number of provisions in the Constitution can be amended by a simple majority of the two Houses of Parliament outside the scope of Article 368. These provisions include:

- Admission or establishment of new states.
- Formation of new states and alteration of areas, boundaries or names of existing states.
- Abolition or creation of legislative councils in states.
- **Second Schedule-emoluments, allowances, privileges and so on of the president, the governors, the Speakers, judges, etc.**
- Quorum in Parliament.
- Salaries and allowances of the members of Parliament.
- Rules of procedure in Parliament.
- Privileges of the Parliament, its members and its committees.
- Use of English language in Parliament.
- Number of puisne judges in the Supreme Court.
- Conferment of more jurisdiction on the Supreme Court.
- Use of official language.
- Citizenship-acquisition and termination.
- Elections to Parliament and state legislatures.
- Delimitation of constituencies.
- Union territories.
- **Fifth Schedule-administration of scheduled areas and scheduled tribes.**
- **Sixth Schedule-administration of tribal areas.**

Q 6.C

- A farmer sells his farm and starts a business - It is an exercise of the Right to freedom to practice any profession, or to carry on any occupation, trade or business.
- A person from Gujarat moves to Maharashtra and settles there - It is an exercise of the right to move freely throughout the country, and to reside in any part of the country.
- A person refuses to believe in any religion - It is an exercise of the Right to Freedom of Religion.
- **A person inherits property from his parents - It is not a fundamental right.**

Q 7.D

In addition to the **making of the Constitution** and **enacting of ordinary laws**, the Constituent Assembly also performed the following functions:

- It ratified the India's membership of the Commonwealth in May 1949.
- It adopted the National Flag on July 22, 1947.
- It adopted the National Anthem on January 24, 1950.
- **It adopted the National Song on January 24, 1950.**
- It elected Dr Rajendra Prasad as the first President of India on January 24, 1950.

Q 8.B

- **Statement 1 is correct:** In order to safeguard the interests of the STs more effectively, it was proposed to set up a separate National Commission for STs by bifurcating the existing combined National Commission for SCs and STs. This was done by passing the 89th Constitutional Amendment Act of 2003.

This Act further amended Article 338 and inserted a new Article 338-A in the Constitution. The separate National Commission for STs came into existence in 2004.

- **Statement 2 is not correct:** It comes under the control of Ministry of Tribal Affairs.
- **Statement 3 is correct:** The Commission, while investigating any matter or inquiring into any complaint, has all the powers of a civil court trying a suit.

Q 9.B

- The Central Information Commission consists of a Chief Information Commissioner and not more than ten Information Commissioners. They are appointed by the President on the recommendation of a **committee consisting of the Prime Minister as Chairperson, the Leader of Opposition in the Lok Sabha and a Union Cabinet Minister nominated by the Prime Minister.**

Q 10.C

- President's rule has no effect on Fundamental Rights whereas National Emergency and Martial Rule have. When a National Emergency is declared, the Fundamental Rights under Article 19 are automatically suspended and this suspension continues till the end of the emergency.

Q 11.C

- **Statement 1 is correct.** Government of India act, 1919 provided for separate electorate for Sikhs, Indian Christians, Anglo Indians and Europeans, but for Muslims it was provided by Government of India Act, 1909 by Lord Minto who came to be known as the father of communal electorates.
- **Statement 2 is correct.** Government of India act, 1919 also introduced for the first time bicameralism and direct elections in the country.

Q 12.D

Statement 1 is not correct : The President's Rule can be proclaimed under Article 356 on two grounds - one mentioned in Article 356 itself and another in Article 365:

- Article 356 empowers the President to issue a proclamation, if he is satisfied that a situation has arisen in which the government of a state cannot be carried on in accordance with the provisions of the Constitution. Notably, the president can act either on a report of the governor of the state or otherwise too (ie, even without the governor's report).
- Article 365 says that whenever a state fails to comply with or to give effect to any direction from the Centre, it will be lawful for the president to hold that a situation has arisen in which the government of the state cannot be carried on in accordance with the provisions of the Constitution.

Statement 2 is not correct : It can be extended for a maximum period of three years with the approval of the Parliament, every six months.

Q 13.A

- In India, like most other democracies in the world, rights are mentioned in the Constitution. Some rights which are fundamental to our life are given a special status. They are called **Fundamental Rights**. The Preamble to our Constitution talks about securing for all its citizens equality, liberty and justice. Fundamental Rights put this promise into effect. They are an important basic feature of India's Constitution.

Q 14.A

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

Q 15.B

The features of the Government of India Act, 1935 were:

- It provided for the establishment of an **All-India Federation** consisting of provinces and princely states as units. However, the federation never came into being as the princely states did not join it. **Hence, statement 1 is correct.**
- It **abolished dyarchy in the provinces** and introduced provincial autonomy in its place. **Hence, statement 2 is not correct.**
- It provided for the adoption of dyarchy at the Centre. Consequently, the federal subjects were divided into reserved subjects and transferred subjects. However, this provision of the act also did not come into operation.
- It provided for the **establishment of a Reserve Bank of India** to control the currency and credit of the country. **Hence, statement 3 is correct.**
- It provided for the establishment of a Federal Public Service Commission and also Provincial Public Service Commissions and Joint Public Service Commissions for two or more provinces.
- It provided for the establishment of a Federal Court, which was set up in 1937.

Q 16.C

Statement 1 is not correct. The term of office of the AG is not fixed by the Constitution. Further, the Constitution does not contain the procedure and grounds for his removal. He holds office during the pleasure of the president. This means that he may be removed by the president at any time. He may also quit his office by submitting his resignation to the president. Conventionally, he resigns when the government (council of ministers) resigns or is replaced, as he is appointed on its advice.

Statement 2 is not correct. Attorney General is not a full-time counsel for the Government. He does not fall in the category of government servants. Further, he is not debarred from private legal practice. However, following limitations are placed on the Attorney General in order to avoid any complication and conflict of duty:

- He should not advise or hold a brief against the Government of India.
- He should not advise or hold a brief in cases in which he is called upon to advise or appear for the Government of India.
- He should not defend accused persons in criminal prosecutions without the permission of the Government of India.
- He should not accept appointment as a director in any company or corporation without the permission of the Government of India.

Statement 3 is correct. AG has the right to speak and to take part in the proceedings of both the Houses of Parliament or their joint sitting and any committee of the Parliament of which he may be named a member, but without a right to vote. He enjoys all the privileges and immunities that are available to a member of Parliament.

Q 17.C

The following principles reflect the ideology of socialism as they lay down the framework of a democratic socialist state, aim at providing social and economic justice, and set the path towards welfare state. They direct the state:

- To promote the welfare of the people by securing a social order permeated by justice— social, economic and political—and to minimise inequalities in income, status, facilities and opportunities (Article 38).
- To secure (a) the right to adequate means of livelihood for all citizens; (b) the equitable distribution of material resources of the community for the common good; (c) prevention of concentration of wealth and means of production; (d) equal pay for equal work for men and women; (e) preservation of the health and strength of workers and children against forcible abuse; and (f) opportunities for healthy development of children (Article 39).
- **To promote equal justice and to provide free legal aid to the poor** (Article 39 A).

- To secure the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement (Article 41).
- **To make provision for just and humane conditions for work and maternity relief (Article 42).**
- To secure a living wage, a decent standard of life and social and cultural opportunities for all workers (Article 43).
- To take steps to secure the participation of workers in the management of industries (Article 43 A).
- To raise the level of nutrition and the standard of living of people and to improve public health (Article 47).

To organise village panchayats and enable them to function as units of self-government is a Gandhian principle. (Article 40)

Q 18.D

- **S K Dhar Commission:** There had been a demand from different regions, particularly South India, for reorganisation of states on linguistic basis post independence. Accordingly, in June 1948, the Government of India appointed the Linguistic Provinces Commission under the chairmanship of S K Dhar to examine its feasibility. The commission submitted its report in December 1948 and recommended the reorganisation of states on the basis of administrative convenience rather than linguistic factor.
- **JVP Committee:** The recommendations of S K Dhar Commission created a lot of resentment and led to the appointment of another Linguistic Provinces Committee by the Congress in December 1948, to examine the whole question again. It consisted of Jawaharlal Nehru, Vallabhbhai Patel and Pattabhi Sitaramayya and hence, was popularly known as JVP Committee. It submitted its report in April 1949 and formally rejected language as the basis for reorganisation of states.
- **Fazl Ali Commission:** The creation of Andhra state in 1953 intensified the demand from other regions for creation of states on linguistic basis. This forced the Government of India to appoint (in December 1953) a three-member States Reorganisation Commission under the chairmanship of Fazl Ali to re-examine the question. Its other two members were K M Panikkar and H N Kunzru. It submitted its report in September 1955 and broadly accepted language as the basis of reorganisation of states. But, it rejected the theory of 'one language-one state'.

Q 19.B

- The Constitution of India establishes a federal system of government. It contains all the usual features of a federation, viz., two government, division of powers, written Constitution, super-macy of Constitution, rigidity of Constitution, **independent judiciary** and bicameralism.
- However, the Indian Constitution also contains a large number of unitary or non-federal features, viz., a strong Centre, **single Constitution, single citizenship**, flexibility of Constitution, **integrated judiciary**, appointment of state governor by the Centre, all-India services, emergency provisions, and so on.

Q 20.A

The Constituent Assembly was constituted in November 1946 under the scheme formulated by the Cabinet Mission Plan. Hence, statement 1 is correct.

Some of the features of the scheme were:

- The total strength of the Constituent Assembly was to be 389. Of these, 296 seats were to be allotted to British India and 93 seats to the Princely States.
- Each province and princely state (or group of states in case of small states) were to be allotted seats in proportion to their respective population.
- Seats allocated to each British province were to be decided among the three principal communities- Muslims, Sikhs and general (all except Muslims and Sikhs), in proportion to their population.
- The representatives of each community were to be elected by members of that community in the provincial legislative assembly and voting was to be by the method of proportional representation by means of single transferable vote.
- The representatives of princely states were to be nominated by the heads of the princely states.

The Constituent Assembly was a partly elected and partly nominated body. Moreover, the **members were indirectly elected by the members of the provincial assemblies, who themselves were elected on a limited franchise. Hence, statement 2 is not correct.**

Q 21.B

Western conception of secularism means mutual exclusion of state and religion in order to protect values such as individual freedom and citizenship rights of individuals. It means that religion and state must be strictly separated. **Hence, statement 1 is not correct.**

Indian concept of secularism includes:

- The Indian Constitution grants rights to all religious communities such as the right to establish and maintain their educational institutions. Freedom of religion in India means the freedom of religion of both individuals and communities. **Hence, statement 2 is correct.**
- India had religiously sanctioned customs such as untouchability which deprived individuals of the most basic dignity and self-respect. Such customs were so deeply rooted and pervasive that without active state intervention, there was no hope of their dissolution. The state simply had to interfere in the affairs of religion. Such intervention was not always negative. The state could help religious communities by giving aid to educational institutions run by them. Thus, the state may help or hinder religious communities depending on which mode of action promotes values such as freedom and equality.

Q 22.A

The **42nd Amendment Act of 1976 added four new Directive Principles** to the original list. They require the State:

- To secure opportunities for healthy development of children (Article 39).
- To promote equal justice and to provide free legal aid to the poor (Article 39 A).
- To take steps to secure the participation of workers in the management of industries (Article 43 A).
- To protect and improve the environment and to safeguard forests and wild life (Article 48 A).

The **44th Amendment Act of 1978 added one Directive Principle**, which requires the State to minimise inequalities in income, status, facilities and opportunities (Article 38).

The **86th Amendment Act of 2002 changed the subject-matter of Article 45** and made elementary education a fundamental right under Article 21 A. The amended directive requires the State to provide early childhood care and education for all children until they complete the age of six years.

The **97th Amendment Act of 2011 added a new Directive Principle relating to co-operative societies**. It requires the state to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies (Article 43B).

Q 23.A

- Article 360 of the Indian Constitution deals with the financial emergency. It empowers the President to proclaim a Financial Emergency if he is satisfied that a situation has arisen due to which the financial stability or credit of India or any part of its territory is threatened.
- **Statement 1 is correct:** A proclamation declaring financial emergency must be approved by both the Houses of Parliament within two months from the date of its issue. Once approved by both the Houses of Parliament, the Financial Emergency continues indefinitely till it is revoked. This implies two things: 1. there is no maximum period prescribed for its operation; and repeated parliamentary approval is not required for its continuation. A resolution approving the proclamation of financial emergency can be passed by either House of Parliament only by a simple majority, that is, a majority of the members of that house present and voting. A proclamation of Financial Emergency may be revoked by the president at anytime by a subsequent proclamation. Such a proclamation does not require the parliamentary approval.
- **Statement 2 is not correct:** During financial emergency the president may issue directions for the reduction of salaries and allowances of the judges of supreme court and high court.
- **Statement 3 is not correct:** No financial emergency has been declared so far.

Q 24.B

Imposition of President's Rule in a state would be **proper** in the following situations-

- **Where after general elections to the assembly, no party secures a majority, that is, 'Hung Assembly'.**
- Where the party having a majority in the assembly declines to form a ministry and the governor cannot find a coalition ministry commanding a majority in the assembly.
- **Where a ministry resigns after its defeat in the assembly and no other party is willing or able to form a ministry commanding a majority in the assembly.**
- Where a constitutional direction of the Central government is disregarded by the state government.
- Internal subversion where, for example, a government is deliberately acting against the Constitution and the law or is fomenting a violent revolt.
- Physical breakdown where the government wilfully refuses to discharge its constitutional obligations endangering the security of the state.

The imposition of President's Rule in a state would be **improper** under the following situations:

- Where a ministry resigns or is dismissed on losing majority support in the assembly and the governor recommends imposition of President's Rule without probing the possibility of forming an alternative ministry.
- Where the governor makes his own assessment of the support of a ministry in the assembly and recommends imposition of President's Rule without allowing the ministry to prove its majority on the floor of the Assembly.
- Where the ruling party enjoying majority support in the assembly has suffered a massive defeat in the general elections to the Lok Sabha such as in 1977 and 1980.
- Internal disturbances not amounting to internal subversion or physical breakdown.
- **Maladministration in the state or allegations of corruption against the ministry or stringent financial exigencies of the state.**
- Where the state government is not given prior warning to rectify itself except in case of extreme urgency leading to disastrous consequences.
- Where the power is used to sort out intra-party problems of the ruling party, or for a purpose extraneous or irrelevant to the one for which it has been conferred by the Constitution.

Q 25.A

- After duly passed by both the Houses of Parliament and ratified by the state legislatures, where necessary, the bill is presented to the president for assent. **The President must give his assent to the bill.** He can neither withhold his assent to the bill nor return the bill for reconsideration of the Parliament. (The 24th Constitutional Amendment Act of 1971 made it obligatory for the President to give his assent to a constitutional Amendment Bill). **Hence statement 1 is correct and 2 and 3 are not correct.**

Q 26.D

- **Both the statements are not correct.**
- Being the basic structure of the Constitution, as ruled by the SC, Article 32 (Right to Constitutional Remedies) cannot be abridged or taken away even by an amendment of the Constitution.
- The right to move the SC for the enforcement of the FRs, as provided by the Constitution, can be suspended by the President during a national emergency (Article 359). Thus Article 32 cannot be abridged/curtailed but can be temporarily suspended.

Q 27.A

- **The National Human Rights Commission is a statutory (and not a constitutional) body.** It was established in 1993 under a legislation enacted by the Parliament, namely, the Protection of Human Rights Act, 1993.
- The commission is a multi-member body consisting of a chairman and four members. The **chairman should be a retired Chief Justice of India**, and members should be serving or retired judges of the

Supreme Court, a serving or retired chief justice of a high court and two persons having knowledge or practical experience with respect to human rights. In addition to these full-time members, the commission also has four ex-officio members i.e. the chairmen of the National Commission for Minorities, the National Commission for SCs, the National Commission for STs and the National Commission for Women.

- The **functions of the commission are mainly recommendatory in nature**. It has no power to punish the violators of human rights, nor to award any relief including monetary relief to the victim. Notably, its recommendations are not binding on the concerned government or authority. But, it should be informed about the action taken on its recommendations within one month.

Q 28.C

- For amending the Constitution, provision has been made in Article 368 of the Constitution. In this article, there are two methods of amending the Constitution and they apply to two different sets of articles of the Constitution. One method is that amendment can be made by special majority of the two houses of the Parliament. The other method is: it requires special majority of the Parliament and consent of half of the State legislatures. **All amendments to the Constitution are initiated only in the Parliament**. Like all other bills, it goes to the President for his assent, but in this case, the **President has no powers to send it back for reconsideration. The bill can be introduced either by a minister or by a private member and does not require prior permission of the president.**

Q 29.A

Only options 2 and 3 are correct.

The Election Commission is responsible for holding elections to:

- The Parliament
- State Legislatures
- Office of President
- Office of Vice-President

Municipality elections are conducted by the State Election Commission.

The Speaker of the Lok Sabha is elected by the members of the Lok Sabha from amongst the already elected members.

Q 30.A

Article 19(2) provides that reasonable restrictions can be imposed on exercise of Freedom of Speech and expression under the following conditions: the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.

- Leaking classified material by Intelligence officer. - can compromise security of state
- Giving speech to take up arms - public order
- Speech which can hamper stability of government in Lok Sabha - it does not fall under any criteria and hence would not be a reasonable restriction
- Contempt of Court.

Q 31.A

- By the Indian Independence Act of 1947, the Assembly was made a fully sovereign body, which could frame any constitution it pleased. The act empowered the Assembly to abrogate or alter any law made by the British Parliament in relation to India.
- The representatives of the princely states, who had stayed away from the constituent Assembly, gradually joined in.

Q 32.C

- The Indian Councils Act of 1861, for the first time introduced Portfolio system. Each member of the Council of the Governor General was allocated portfolio of a particular department. The Governor General was authorized to exercise a veto and issue ordinances in a situation of emergency.

Q 33.A

- **Statement 1 is correct.** The Preamble to the Indian Constitution is based on the 'Objectives Resolution', drafted and moved by Jawaharlal Nehru, and adopted by the Constituent Assembly.
- **Statement 2 is not correct.** The question as to whether the Preamble can be amended under Article 368 of the Constitution arose for the first time in the historic case of Kesavananda Bharati (1973). It was urged that the Preamble cannot be amended as it is not a part of the Constitution. The petitioner contended that the amending power in Article 368 cannot be used to destroy or damage the basic elements or the fundamental features of the Constitution, which are enshrined in the Preamble.
- The Supreme Court, however, held that the Preamble is a part of the Constitution. The Court stated that the opinion tendered by it in the Berubari Union (1960) in this regard was wrong, and held that the **Preamble can be amended, subject to the condition that no amendment is done to the 'basic features'**. In other words, the Court held that the basic elements or the fundamental features of the Constitution as contained in the Preamble cannot be altered by an amendment under Article 368.
- The Preamble has been amended only once so far, in 1976, by the 42nd Constitutional Amendment Act, which has added three new words - Socialist, Secular and Integrity to the Preamble. This amendment was held to be valid.

Q 34.B

- **Statement 1 is not correct.** Making reservations of appointments or posts in favour of any backward classes of citizens is kept outside the functional jurisdiction of the UPSC. UPSC is also not consulted while taking into consideration the claims of SCs and STs in making appointments to services and posts.
- **Statement 2 is correct.** UPSC assists the states (if requested by two or more states to do so) in framing and operating schemes of joint recruitment for any services for which candidates possessing special qualifications are required.
- **Statement 3 is not correct.** UPSC is not concerned with the classification of services, pay and service conditions, cadre management, training etc. these matters are handled by the Dept. Of Personnel and Training under the Ministry of Personnel, Public Grievances and pensions.

Q 35.A

- **Statement 1 is correct:** Under Article 352 of Indian Constitution (National Emergency), the President can declare a national emergency when the security of India or a part of it is threatened by war or external aggression or armed rebellion. **It may be noted that the president can declare a national emergency even before the actual occurrence of war or external aggression or armed rebellion, if he is satisfied that there is an imminent danger.**
- **Statement 2 is not correct: The President can proclaim a national emergency only after receiving a written recommendation from the cabinet.** This means that the emergency can be declared only on the concurrence of the cabinet and not merely on the advice of the Prime Minister.

Q 36.B

The Finance Commission is required to make recommendations to the President of India on the following matters:

- The distribution of the net proceeds of taxes to be shared between the Centre and the states, and the allocation between the states of the respective shares of such proceeds.
- The principles that should govern the grants-in-aid to the states by the Centre (i.e., out of the Consolidated Fund of India).
- The measures needed to augment the consolidated fund of a state to supplement the resources of the panchayats and the municipalities in the state on the basis of the recommendations made by the State Finance Commission.
- Any other matter referred to it by the President in the interests of sound finance.

Expenditure from the Contingency Fund of India is made through an executive decision.

Q 37.C

- Population of Indian has nothing to do with the bulkiness of Constitution. Rather it is the diversity of language, caste and creed which our constitution aims to protect through the ideals of liberty, equality and fraternity. It was also felt that smooth functioning of infant democracy might be jeopardised unless the constitution mentioned in the detailed things which were left in other constitution to ordinary legislation. This explains why we have detailed provision about the organisation of judiciary, UPSC, Elections etc.

Q 38.D

- Statement 1 is not correct :** Fundamental Rights are different from other rights available to us. While ordinary legal rights are protected and enforced by ordinary law, Fundamental Rights are protected and guaranteed by the constitution of the country.
- Statement 2 is not correct :** Ordinary rights may be changed by the legislature by ordinary process of law making, but a fundamental right may only be changed by amending the Constitution itself. Besides this, no organ of the government can act in a manner that violates them. However, fundamental rights are not absolute or unlimited rights. Government can put reasonable restrictions on the exercise of our fundamental rights.

Q 39.C

All the statements are correct.

- Article 21: Right to life and personal liberty is **available to both citizens and non-citizens**.
- Its ambit has been expanded by the SC from time to time. The Article has undergone interpretations in various cases like Gopalan Case (1950), Menaka Case (1978) etc.
- As formally enshrined in the Article 21 of the Constitution, no person shall be deprived of his life and personal liberty **except according to procedure established by law**.

The Article has undergone various interpretations in this regard. In Menaka Case (1978), the SC ruled that the right to life and personal liberty of a person can be deprived by a law provided the procedure prescribed by that law is reasonable, fair and just. In other words, it has introduced the American expression 'due process of law'. In effect, the protection under Article 21 should be available not only against arbitrary executive action but also against arbitrary legislative action. *Rajbala v. Haryana* (2015), a two-judge bench of the Supreme Court of India strongly rejected the doctrine of substantive due process in India. In cases like *Ramlila Maidan Incident* (2012) and *Selvi v. State of Karnataka* (2010), SC has repeatedly held that substantive due process and due process generally are a part of Indian constitutional law under Article 21 of the Constitution.

Q 40.D

The Citizenship Act, 1955, prescribes three ways of losing citizenship whether acquired under the Act or prior to it under the Constitution, viz, renunciation, termination and deprivation:

When an Indian citizen voluntarily (consciously, knowingly and without duress, undue influence or compulsion) acquires the citizenship of another country, his Indian citizenship automatically terminates. **Hence, statement 1 is correct.** This provision, however, does not apply during a war in which India is engaged.

Deprivation is a compulsory termination of Indian citizenship by the Central government, if:

- the citizen has obtained the citizenship by fraud;
- the citizen has shown disloyalty to the Constitution of India: **Hence, statement 3 is correct.**
- the citizen has unlawfully traded or communicated with the enemy during a war;
- the citizen has, within five years after registration or naturalisation, been imprisoned in any country for two years; and
- the citizen has been ordinarily resident out of India for seven years continuously. **Hence, statement 2 is correct.**

Q 41.D

- The National Institution for Transforming India, also called NITI Aayog, **was formed via a resolution of the Union Cabinet on January 1, 2015**. NITI Aayog is **the premier policy ‘Think Tank’ of the Government of India**, providing both directional and policy inputs. While designing strategic and long term policies and programmes for the Government of India, NITI Aayog also provides relevant technical advice to the Centre and States.
- The Government of India, in keeping with its reform agenda, constituted the NITI Aayog to replace the Planning Commission instituted in 1950. This was done in order to better serve the needs and aspirations of the people of India.
- An important evolutionary change from the past, NITI Aayog acts as the quintessential platform of the Government of India to bring States to act together in national interest, and thereby fosters Cooperative Federalism.
- **The Prime Minister is the Chairman of NITI Aayog.**
- **The NITI Aayog does not have the power of allocating central funds to States. This will now be done by the finance ministry.**

Q 42.D

Core features of Indian Constitution are:

- Constitution reinforces and reinvents forms of **liberal individualism**. This is an important achievement because this is done in the backdrop of a society where community values are often indifferent or hostile to individual autonomy.
- Constitution upholds the principle of **social justice without compromising on individual liberties**. The constitutional commitment to caste-based affirmative action programme shows how much ahead India was compared to other nations.
- Against the background of inter-communal strife, the Constitution upholds its commitment to group rights (the right to the expression of cultural particularity). Unlike Germany or France we have several **linguistic and religious communities**. It was important to ensure that no one community systematically dominates others. This made it mandatory for our **Constitution to recognise community based rights**.

Q 43.C

- The concept of martial law has been borrowed from the English common law. However, the expression ‘martial law’ has not been defined anywhere in the constitution. **Hence, statement 1 is not correct.**
- It affects only Fundamental Rights and not Centre- State relations because it is different from National Emergency. During the operation of martial law, the military authorities are vested with abnormal powers to take all necessary steps. They impose restrictions and regulations on the rights of the civilians, can punish the civilians and even condemn them to death. **Hence, statement 2 is not correct.**
- It refers to a situation where civil administration is run by the military authorities according to their own rules. It thus implies the suspension of ordinary law and the government. It is imposed in some specific area of the country. **Hence, statement 3 is correct.**

Q 44.A

- ‘Territory of India’ is a wider expression than the ‘Union of India’ because the latter **includes only states** while the former includes not only the states but also union territories and territories that may be acquired by the Government of India at any future time.

Q 45.B

The current opinion held by the Supreme Court is that the Preamble is an integral part of the Constitution.

However, two things should be noted:

- The Preamble is neither a source of power to legislature nor a prohibition upon the powers of legislature.
- It is non-justiciable, that is, its provisions are not enforceable in courts of law.

Q 46.D

Major Committees of Constituent Assembly:

1. Union Powers Committee – Jawaharlal Nehru
2. Union Constitution Committee – Jawaharlal Nehru
3. Provincial Constitution Committee – Sardar Patel
4. **Drafting Committee – Dr. B.R. Ambedkar**
5. Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas – Sardar Patel.
This committee had the following sub-committees: (a) Fundamental Rights Sub-Committee – J.B. Kripalani (b) Minorities Sub-Committee – H.C. Mukherjee (c) North-East Frontier Tribal Areas and Assam Excluded & Partially Excluded Areas Sub-Committee – Gopinath Bardoloi (d) Excluded and Partially Excluded Areas (Other than those in Assam) Sub-Committee – A.V. Thakkar
6. Rules of Procedure Committee – Dr. Rajendra Prasad
7. **States Committee (Committee for Negotiating with States) – Jawaharlal Nehru**
8. **Steering Committee – Dr. Rajendra Prasad**

Q 47.D

- CAG is the head of the Indian Audit and accounts Department. He is the guardian of the public purse and controls the entire financial system of the country at both the levels—the Centre and the state. His duty is to uphold the Constitution of India and laws of Parliament in the field of financial administration.

Q 48.C

The features of parliamentary government in India are:

- Presence of nominal and real executives;
- **Majority party rule,**
- Collective responsibility of the executive to the legislature,
- Membership of the ministers in the legislature,
- Leadership of the prime minister or the chief minister,
- Dissolution of the lower House (Lok Sabha or Assembly).

There are some differences between the British Parliamentary system and that of India. For example, the **Indian Parliament is not a sovereign body like the British Parliament**. Also, the **Indian State has an elected head (republic) while the British State has hereditary head (monarchy)**.

Q 49.A

- **Statement 1 is correct.** FC is constituted by the President of India every fifth year or at such earlier time as he considers necessary.
- **Statement 2 is not correct.** The Finance Commission consists of a chairman and four other members to be appointed by the president. They hold office for such period as specified by the president in his order. They are eligible for reappointment.
- **Statement 3 is correct.** The commission submits its report to the president. He lays it before both the Houses of Parliament along with an explanatory memorandum as to the action taken on its recommendations.

Q 50.B

- **Statement 1 is not correct:** The children of foreign diplomats posted in India and enemy aliens cannot acquire Indian citizenship by birth.
- **Statement 2 is correct:** To have an adequate knowledge of a language specified in the Eighth Schedule is one of the several qualifications prescribed for acquisition of Citizenship by Naturalisation.

Q 51.A

From the various judgements, the following have emerged as 'basic features' of the Constitution or elements/components/ingredients of the 'basic structure' of the constitution:

- Supremacy of the Constitution
- Sovereign, democratic and republican nature of the Indian polity
- Secular character of the Constitution
- Separation of powers between the legislature, the executive and the judiciary
- Federal character of the Constitution
- Unity and integrity of the nation
- Welfare state (socio-economic justice)
- **Judicial review**
- Freedom and dignity of the individual
- **Parliamentary system**
- Rule of law
- Harmony and balance between Fundamental Rights and Directive Principles
- Principle of equality
- Free and fair elections
- Independence of Judiciary
- Limited power of Parliament to amend the Constitution
- Effective access to justice
- Principle of reasonableness
- Powers of the Supreme Court under Articles 32, 136, 141 and 142

Q 52.C

The Right to Information Act of 2005 provides for the creation of not only the Central Information Commission but also a State Information Commission at the state level.

The Governor can remove the State Chief Information Commissioner or any State Information Commissioner from the office under the following circumstances

- (a) if he is adjudged an insolvent; or
 - (b) if he has been convicted of an offence which (in the opinion of the Governor) involves a moral turpitude; or
 - (c) if he engages during his term of office in any paid employment outside the duties of his office; or
 - (d) if he is (in the opinion of the Governor) unfit to continue in office due to infirmity of mind or body; or
 - (e) if he has acquired such financial or other interest as is likely to affect prejudicially his official functions.
- In addition to these, the Governor can also remove the State Chief Information Commissioner or any State Information Commissioner on the ground of proved misbehaviour or incapacity. However, in these cases, the Governor has to refer the matter to the Supreme Court for an enquiry. If the Supreme Court, after the enquiry, upholds the cause of removal and advises so, then the Governor can remove him.
 - **The Commission submits an annual report to the State Government** on the implementation of the provisions of the Act. The State Government places this report before the State Legislature.

Q 53.C

- Democracy is based on consultation and discussion. A democratic decision always involves many persons, discussions and meetings. When a number of people put their heads together, they are able to point out possible mistakes in any decision. This takes time. But there is a big advantage in taking time over important decisions. This reduces the chances of rash or irresponsible decisions. Thus democracy improves the quality of decision-making. **Hence, statement 1 is not correct and statement 2 is correct.**
- Democracy is based on the principle of political equality, on recognising that the poorest and the least educated has the same status as the rich and the educated. **Hence, statement 3 is correct.**

Q 54.D

- The doctrine of 'basic structure' is a judicial innovation. It **finds no mention in the Constitution**.
- In the Kesavananda Bharati case (1973), the Supreme Court overruled its judgement in the Golak Nath case (1967). It stated that Parliament is empowered to abridge or take away any of the Fundamental Rights. At the same time, it laid down a new doctrine of the 'basic structure' (or 'basic features') of the Constitution. It ruled that the constituent power of Parliament under Article 368 does not enable it to alter the 'basic structure' of the Constitution. This means that the Parliament cannot abridge or take away a Fundamental Right that forms a part of the 'basic structure' of the Constitution.

Q 55.D

- Constitution is a living document. **Almost like a living being, this document keeps responding to the situations and circumstances arising from time to time.** Like a living being, the Constitution responds to experience. In fact that is the answer to the riddle we mentioned at the beginning about the durability of the Constitution. Even after so many changes in the society, the Constitution continues to work effectively because of this ability to be dynamic, to be open to interpretations and the ability to respond to the changing situation. This is a hallmark of a democratic constitution. In a democracy, practices and ideas keep evolving over time and the society engages in experiments according to these. A constitution, which protects democracy and yet allows for evolution of new practices becomes not only durable but also the object of respect from the citizens.

Q 56.A

- The directive principles are meant for promoting the ideal of social and economic democracy. They seek to establish a 'welfare state' in India. However, unlike the Fundamental Rights, the directives are **non-justiciable** in nature, that is, they are not enforceable by the courts for their violation. Yet, the Constitution itself declares that 'these principles are fundamental in the governance of the country and it shall be the duty of the state to apply these principles in making laws'. Hence, they impose a moral obligation on the state authorities for their application. But, the real force (sanction) behind them is political, that is, public opinion.
- The fundamental duties serve as a reminder to citizens that while enjoying their rights, they have to be quite conscious of duties they owe to their country, their society and to their fellow-citizens. However, **like the Directive Principles, the duties are also non-justiciable in nature.**
- The Fundamental rights are justiciable in nature. **They are enforceable by the courts for their violation.** The aggrieved person can directly go to the Supreme Court which can issue the writs of habeas corpus, mandamus, prohibition, certiorari and quo warranto for the restoration of his rights.

Q 57.A

- **Statement 1 is not correct.** The Article 22 grants protection to persons who are arrested or detained under a preventive detention law which is available to both citizens as well as aliens.
- **Statement 2 is correct.** The Constitution has divided the legislative power with regard to preventive detention between the Parliament and the state legislatures. The Parliament has exclusive authority to make a law of preventive detention for reasons connected with defence, foreign affairs and the security of India. Both the Parliament as well as the state legislatures can concurrently make a law of preventive detention for reasons connected with the security of a state, the maintenance of public order and the maintenance of supplies and services essential to the community.

Q 58.B

- The Fundamental Duties were inserted in the Constitution by the 42nd Amendment Act of 1976.
- They were included on the recommendations of the Swaran Singh Committee.

Q 59.D

Statement 1 is not correct: Although the chairman and members of a SPSC are appointed by the Governor, they can be removed only by the president (and not by the governor). The President can remove them on the

same grounds and in the same manner as he can remove a chairman or a member of the UPSC. Thus, he can remove him under the following circumstances:

- If he is adjudged an insolvent (i.e., has gone bankrupt); or
- If he engages, during his term of office, in any paid employment outside the duties of his office; or
- If he is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body.

In addition to these, the President can also remove the chairman or any other member of SPSC for misbehaviour. However, in this case, the president has to refer the matter to the Supreme Court for an enquiry. If the Supreme Court, after the enquiry, upholds the cause of removal and advises so, the president can remove the chairman or a member.

Statement 2 is not correct. The chairman of a SPSC (on ceasing to hold office) is eligible for appointment as the chairman or a member of the UPSC or as the chairman of any other SPSC, but not for any other employment under the Government of India or a state.

Q 60.C

- The Directive Principles are **non-justiciable** in nature, that is, they are **not legally enforceable by the courts for their violation**. Therefore, the government (Central, state and local) cannot be compelled to implement them. Nevertheless, the Constitution (Article 37) itself says that these principles are fundamental in the governance of the country and it shall be the **duty of the State to apply these principles in making laws**.
- The Directive Principles, though non-justiciable in nature, **help the courts in examining and determining the constitutional validity of a law**. The Supreme Court has ruled many a times that in determining the constitutionality of any law, if a court finds that the law in question seeks to give effect to a Directive Principle, it may consider such law to be 'reasonable' in relation to Article 14 (equality before law) or Article 19 (six freedoms) and thus save such law from unconstitutionality.
- The **Fundamental Rights are meant for promoting the ideal of political democracy**. They prevent the establishment of an authoritarian and despotic rule in the country, and protect the liberties and freedoms of the people against the invasion by the State. **They operate as limitations on the tyranny of the executive and arbitrary laws of the legislature.**

Q 61.A

- Every resolution approving the proclamation of President's Rule or its continuation shall be passed by both the Houses of Parliament only by a **simple majority** (a majority of the members of that House present and voting).
- The resolution approving the proclamation of National emergency or its continuance must be passed by both the houses of parliament by a special majority (A majority of total membership of that house and a majority of not less than two-third of the members present and voting).

Q 62.B

- **Statement 1 is not correct.** An illegal migrant cannot acquire the Citizenship of India.
- **Statement 2 is correct:** The Citizenship Act, 1955, prescribes three ways of losing citizenship viz. renunciation, termination and deprivation. If a citizen has, within five years after registration or naturalisation, been imprisoned in any country for two years, his citizenship is compulsorily terminated by the Central Government.

Q 63.C

- DPSPs are supplementary to the fundamental rights of the citizens. They are intended to fill in the vacuum in Part III by providing for social and economic rights. Their implementation creates a favourable atmosphere for the full and proper enjoyment of the fundamental rights by the citizens. Political democracy, without economic democracy, has no meaning. Thus, DPSP ensure both **social and economic democracy**.

Q 64.B

Article 3 authorises the Parliament to:

- form a new state by separation of territory from any state or by uniting two or more states or parts of states or by uniting any territory to a part of any state,
- increase the area of any state,
- diminish the area of any state,
- alter the boundaries of any state, and
- alter the name of any state.

However, Article 3 lays down two conditions in this regard: one, a **bill contemplating the above changes can be introduced in the Parliament only with the prior recommendation of the President**; and two, before recommending the bill, the President has to refer the same to the state legislature concerned for expressing its views within a specified period.

Moreover, the **Constitution (Article 4) itself declares that laws made for admission or establishment of new states (under Article 2) and formation of new states and alteration of areas, boundaries or names of existing states (under Articles 3) are not to be considered as amendments of the Constitution under Article 368**. This means that such laws can be passed by a simple majority and by the ordinary legislative process.

Q 65.B

- **Statement 1 is not correct:** NCSC is a constitutional body established under Article 338.
- **Statement 2 is correct:** NCSC consists of a chairperson, a vice-chairperson and three other members. They are appointed by the President by warrant under his hand and seal. Their conditions of service and tenure of office are also determined by the President.
- **Statement 3 is correct:** The Commission is also required to discharge similar functions with regard to the other backward classes (OBCs) and the Anglo-Indian Community as it does with respect to the SCs. In other words, the Commission has to investigate all matters relating to the constitutional and other legal safeguards for the Anglo-Indian Community and report to the President upon their working.

Q 66.A

- Values that inspired and guided the freedom struggle and were in turn nurtured by it, formed the foundation for India's democracy. These values are embedded in the Preamble of the Indian Constitution. They guide all the articles of the Indian Constitution. The Constitution begins with a short statement of its basic values. This is called the Preamble to the constitution. Taking inspiration from American model, most countries in the contemporary world have chosen to begin their constitutions with a preamble.

Q 67.C

Statement 1 is correct. A linguistic minority is a group of people whose mother tongue is different from that of the majority in the state or part of a state. Thus, the linguistic minorities are determined on a statewide basis.

Statement 2 is correct. The Seventh Constitutional Amendment Act of 1956 inserted a new Article 350-B in Part XVII of the Constitution. This article contains the following provisions:

- There should be a Special Officer for Linguistic Minorities. He is to be appointed by the President of India.
- It would be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under the Constitution. He would report to the President up on those matters at such intervals as the President may direct. The President should place all such reports before each House of Parliament and send to the governments of the states concerned.

Q 68.B

- Only elected representatives of the people are empowered to consider and take final decisions on the question of amendments. Thus, sovereignty of elected representatives (**parliamentary sovereignty**) is the basis of the amendment procedure.

Q 69.C

All the statements are correct.

Article 14 says that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. This provision confers rights on all persons whether citizens or foreigners.

The concept of 'equality before law' is of British origin while the concept of 'equal protection of Laws' has been taken from the American Constitution. The first concept connotes:

- **the absence of any special privileges in favour of any person,**
- the equal subjection of all persons to the ordinary law of the land administered by ordinary law courts, and
- no person (whether rich or poor, high or low, official or non-official) is above the law.

The second concept, on the other hand, connotes:

- the **equality of treatment under equal circumstances**, both in the privileges conferred and liabilities imposed by the laws,
- the similar application of the same laws to all persons who are similarly situated, and
- the like should be treated alike without any discrimination. Thus, the former is a negative concept while the latter is a positive concept. However, both of them aim at establishing equality of legal status, opportunity and justice.

The Supreme Court held that where equals and unequals are treated differently, Article 14 does not apply. While Article 14 forbids class legislation, it permits **reasonable classification of persons**, objects and transactions by the law. But the classification should not be arbitrary, artificial or evasive. Rather, it should be based on an intelligible differential and substantial distinction.

Q 70.A

- The Constitution of India has borrowed most of its provisions from the constitutions of various other countries as well as from the Government of India Act of 1935. Dr B R Ambedkar proudly acclaimed that the Constitution of India has been framed after 'ransacking all the known Constitutions of the World'.
- The structural part of the Constitution is, to a large extent, derived from the Government of India Act of 1935. The philosophical part of the Constitution (**the Fundamental Rights and the Directive Principles of State Policy**) **derive their inspiration from the American and Irish Constitutions respectively.** The **political part of the Constitution (the principle of Cabinet Government and the relations between the executive and the legislature) have been largely drawn from the British Constitution.**
- The other provisions of the Constitution have been drawn from the constitutions of Canada, Australia, Germany, USSR (now Russia), France, South Africa, Japan, and so on.
- However, the criticism that the Indian Constitution is a 'borrowed Constitution', a 'patchwork' and contains nothing new and original is unfair and illogical. This is because, the framers of the Constitution made necessary modifications in the features borrowed from other constitutions for their suitability to the Indian conditions, at the same time avoiding their faults.

Q 71.C

Freedom of Speech and Expression (Article 19(a)): It implies that every citizen has the right to express his views, opinions, belief and convictions freely by word of mouth, writing, printing, picturing or in any other manner. The Supreme Court held that the freedom of speech and expression includes the following:

- Right to propagate one's views as well as views of others.

- Freedom of the press.
- Freedom of commercial advertisements.
- Right against tapping of telephonic conversation.
- Right to telecast, that is, government has no monopoly on electronic media.
- Right against bundh called by a political party or organisation.
- Right to know about government activities.
- Freedom of silence. **(3 is correct)**
- Right against imposition of pre-censorship on a newspaper. **(2 is correct)**
- Right to demonstration or picketing but not right to strike. **(1 is not correct)**

Q 72.D

- Rights are necessary for the very sustenance of a democracy. In a democracy every citizen has to have the right to vote and the right to be elected to government. For democratic elections to take place, it is necessary that citizens should have the right to express their opinion, form political parties and take part in political activities. **Hence, statement 1 is correct.**
- Rights protect minorities from the oppression of majority. They ensure that the majority cannot do whatever it likes. Rights are guarantees which can be used when things go wrong. Things may go wrong when some citizens may wish to take away the rights of others. This usually happens when those in majority want to dominate those in minority. The government should protect the citizens' rights in such a situation. But sometimes elected governments may not protect or may even attack the rights of their own citizens. That is why some rights need to be placed higher than the government, so that the government cannot violate them. In most democracies the basic rights of the citizen are written down in the constitution. **Hence, statement 2 is correct.**
- Right has to be recognised by the society we live in. Rights acquire meaning only in society. Every society makes certain rules to regulate our conduct. They tell us what is right and what is wrong. What is recognised by the society as rightful becomes the basis of rights. That is why the notion of rights changes from time to time and society to society. Two hundred years ago anyone who said that women should have right to vote would have sounded strange. Today not granting them vote in Saudi Arabia appears strange. **Hence, statement 3 is correct.**

Q 73.A

The courts can issue various special orders known as writs.

- **Habeas corpus:** A writ of habeas corpus means that the court orders that the arrested person should be presented before it. It can also order to set free an arrested person if the manner or grounds of arrest are not lawful or satisfactory.
- **Mandamus:** This writ is issued when the court finds that a particular office holder is not doing legal duty and thereby is infringing on the right of an individual.
- **Prohibition:** This writ is issued by a higher court (High Court or Supreme Court) when a lower court has considered a case going beyond its jurisdiction.
- **Quo Warranto:** If the court finds that a person is holding office but is not entitled to hold that office, it issues the writ of quo warranto and restricts that person from acting as an office holder.
- **Certiorari:** Under this writ, the court orders a lower court or another authority to transfer a matter pending before it to the higher authority or court.

Q 74.D

The part IV of the constitution on Directive Principles provides for:

- the goals and objectives that we as a society should adopt.
- certain rights that individuals should enjoy apart from the Fundamental Rights.
- certain policies that the government should adopt.

Q 75.D

Apart from the Directives included in Part IV, there are some other Directives (which are also non-justiciable in nature) contained in other Parts of the Constitution. They are:

- **Claims of SCs and STs to Services:** The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or a State (Article 335 in Part XVI).
- **Instruction in mother tongue:** It shall be the endeavour of every state and every local authority within the state to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups (Article 350-A in Part XVII).
- **Development of the Hindi Language:** It shall be the duty of the Union to promote the spread of the Hindi language and to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India (Article 351 in Part XVII).

Q 76.A

- The bill must be passed in each House by a special majority, that is, a majority (that is, more than 50 per cent) of the total membership of the House and a majority of two-thirds of the members of the House present and voting. **Hence, statement 1 is correct.**
- Each House must pass the bill separately. In case of a disagreement between the two Houses, there is no provision for holding a joint sitting of the two Houses for the purpose of deliberation and passage of the bill. **Hence, statement 2 is not correct.**

Q 77.D

- Dr. Ambedkar considered the right to constitutional remedies as 'heart and soul of the constitution'. It is so because this right gives a citizen the right to approach a High Court or the Supreme Court to get any of the fundamental rights restored in case of their violation. The Supreme Court and the High Courts can issue orders and give directives to the government for the enforcement of rights.

Q 78.A

- A State Human Rights Commission can inquire into violation of human rights only in respect of subjects mentioned in the **State List (List-II) and the Concurrent List (List-III) of the Seventh Schedule of the Constitution.**
- The Commission can inquire into any violation of human rights or negligence in the prevention of such violation by a public servant, **either suo motu or on a petition presented to it or on an order of a court.**

Q 79.C

The Constitution confers the following rights and privileges on the citizens of India (and denies the same to aliens):

- **Right against discrimination on grounds of religion, race, caste, sex or place of birth (Article 15).**
- Right to equality of opportunity in the matter of public employment (Article 16).
- **Right to freedom of speech and expression, assembly, association, movement, residence and profession (Article 19).**
- Cultural and educational rights (Articles 29 and 30).
- Right to vote in elections to the Lok Sabha and state legislative assembly.
- Right to contest for the membership of the Parliament and the state legislature.
- Eligibility to hold certain public offices, that is, President of India, Vice-President of India, judges of the Supreme Court and the high courts, governor of states, attorney general of India and advocate general of states.

Equality before law and equal protection of law, and Right to elementary education are rights available to both citizens and foreigners (except enemy aliens).

Q 80.A

- **All the statements are correct.**
- 86th constitutional amendment act added the following:
- **Article 51-A(k):** To provide opportunities for education to his child or ward between the age of six and fourteen years. This duty was added by the 86th Constitutional Amendment Act, 2002.
- **Article 45:** To provide early childhood care and education for all children until they complete the age of six years.
- **Article 21-A:** Article 21 A declares that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such a manner as the State may determine.

Q 81.B

- **Statement 1 is not correct.** The Supreme Court held that the power of Parliament to diminish the area of a state (under Article 3) does not cover cession of Indian territory to a foreign country. Hence, Indian territory can be ceded to a foreign state only by amending the Constitution under Article 368. Consequently, the 9th Constitutional Amendment Act (1960) was enacted to transfer the said territory to Pakistan.
- **Statement 2 is correct.** On the other hand, the Supreme Court in 1969 ruled that, settlement of a boundary dispute between India and another country does not require a constitutional amendment. It can be done by executive action as it does not involve cession of Indian territory to a foreign country.

Q 82.C

- **Statement 1 is correct:** The doctrine of judicial review was borrowed from the Constitution of the United States of America
- **Statement 2 is correct:** Article 13 declares that all laws that are inconsistent with or in derogation of any of the fundamental rights shall be void. In other words, it expressly provides for the doctrine of judicial review. This power has been conferred on the Supreme Court (Article 32) and the high courts (Article 226) that can declare a law unconstitutional and invalid on the ground of contravention of any of the Fundamental Rights.

Q 83.C

Options 1 and 2 are correct.

Options 3 and 4 form part of DPSP.

LIST OF FUNDAMENTAL DUTIES

According to Article 51 A, it shall be the duty of every citizen of India:

- to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- to cherish and follow the noble ideals that inspired the national struggle for freedom;
- to uphold and protect the sovereignty, unity and integrity of India;
- to defend the country and render national service when called upon to do so;
- **to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women;**
- to value and preserve the rich heritage of the country's composite culture;
- to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures;
- to develop scientific temper, humanism and the spirit of inquiry and reform;
- **to safeguard public property and to abjure violence;**
- to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement; and
- to provide opportunities for education to his child or ward between the age of six and fourteen years. This duty was added by the 86th Constitutional Amendment Act, 2002.

Q 84.A

- All Indian citizen have the right to contest for the membership of the Parliament and the state legislature. **Hence, statement 1 is correct.**
- In India both a citizen by birth as well as a naturalised citizen are eligible for the office of President while in USA, only a citizen by birth and not a naturalised citizen is eligible for the office of President. **Hence, statement 2 is not correct.**

Q 85.A

- The **Fundamental Rights are meant for promoting the idea of political democracy.** They operate as limitations on the tyranny of the executive and arbitrary laws of the legislature.
- However, the **Fundamental Rights are not absolute and subject to reasonable restrictions.** Further, they are not sacrosanct and can be curtailed or repealed by the Parliament through a constitutional amendment act. They can also be suspended during the operation of a National Emergency except the rights guaranteed by Articles 20 and 21.

Q 86.B

- **Statement 1 is not correct:** The CAG submits three audit reports to the President—audit report on appropriation accounts, audit report on finance accounts, and audit report on public undertakings. The President lays these reports before both the Houses of Parliament. After this, the Public Accounts Committee examines them and reports its findings to the Parliament. He acts as a guide, friend and philosopher of the Public Accounts Committee of the Parliament.
- **Statement 2 is correct:** CAG has no control over the issue of money from the consolidated fund and many departments are authorised to draw money by issuing cheques without specific authority from the CAG, who is concerned only at the audit stage when the expenditure has already taken place.

Q 87.B

The Constitution specifies the cultural and educational rights of the minorities:

- Any section of citizens with a distinct language or culture have a right to conserve it. **Hence, statement 1 is correct.**
- Admission to any educational institution maintained by government or receiving government aid cannot be denied to any citizen on the ground of religion or language.
- All minorities have the right to establish and administer educational institutions of their choice. **Hence, statement 3 is correct.**

Right to profess, practice and propagate one's religion is a right envisaged under the right to freedom of religion. Hence, statement 2 is not correct.

Q 88.D

The functions of a constitution include:

- to provide a set of basic rules that allow for minimal coordination amongst members of a society. **Hence, statement 1 is correct.**
- to specify who has the power to make decisions in a society. It decides how the government will be constituted. **Hence, statement 3 is correct.**
- to set some limits on what a government can impose on its citizens. These limits are fundamental in the sense that government may never trespass them.
- to enable the government to fulfil the aspirations of a society and create conditions for a just society. **Hence, statement 2 is correct.**

Q 89.C

- A constitution expresses the fundamental identity of a people. This means the people as a collective entity come into being only through the basic constitution. It is by agreeing to a basic set of norms about how one should be governed, and who should be governed that one forms a collective identity. One has many sets of identities that exist prior to a constitution. But by agreeing to certain basic norms and principles one constitutes one's basic **political identity**. Second, constitutional norms are the overarching framework within which one pursues individual aspirations, goals and freedoms. The constitution sets authoritative constraints upon what one may or may not do. It defines the fundamental values that we may not trespass. So the constitution also gives one a **moral identity**. Third and finally, it may be the case that many basic political and moral values are now shared across different constitutional traditions.

Q 90.D

Features of the Fundamental Rights:

The Fundamental Rights guaranteed by the Constitution are characterised by the following:

- Some of them are available only to the citizens while others are available to all persons whether citizens, foreigners or legal persons like corporations or companies.
- They are not absolute but qualified. The state can impose reasonable restrictions on them.
- Most of them are available against the arbitrary action of the State, with a few exceptions like those against the State's action and against the action of private individuals. **(Statement 3 is not correct)**
- Some of them are negative in character, that is, place limitations on the authority of the State, while others are positive in nature, conferring certain privileges on the persons.
- They are justiciable, allowing persons to move the courts for their enforcement, if and when they are violated.
- They are defended and guaranteed by the Supreme Court.
- They are not sacrosanct or permanent. The Parliament can curtail or repeal them but only by a constitutional amendment act and not by an ordinary act. Moreover, this can be done without affecting the 'basic structure' of the Constitution. **(Statement 2 is not correct)**
- They can be suspended during the operation of a National Emergency except the rights guaranteed by Articles 20 and 21. Further, the six rights guaranteed by Article 19 can be suspended only when emergency is declared on the grounds of war or external aggression (i.e., external emergency) and not on the ground of armed rebellion (i.e., internal emergency).
- Their scope of operation is limited by Article 31-A, B and C
- Their application to the members of armed forces, para-military forces, police forces, intelligence agencies and analogous services can be restricted or abrogated by the Parliament (Article 33).
- Their application can be restricted while martial law is in force in any area. Martial law means 'military rule' imposed under abnormal circumstances to restore order (Article 34). It is different from the imposition of national emergency.
- Most of them are directly enforceable (self-executory) while a few of them can be enforced on the basis of a law made for giving effect to them. Such a law can be made only by the Parliament and not by state legislatures so that uniformity throughout the country is maintained (Article 35). **(Statement 1 is not correct).**

Q 91.C

- The establishment of the CBI was recommended by the Santhanam Committee on Prevention of Corruption (1962 -1964).
- The CBI is not a statutory body. It derives its powers from the Delhi Special Police Establishment Act, 1946.
- The CBI is the main investigating agency of the Central Government. It plays an important role in the prevention of corruption and maintaining integrity in administration. It also provides assistance to the Central Vigilance Commission.
- The Director of CBI as Inspector-General of Police, Delhi Special Police Establishment, is responsible for the administration of the organisation. With the enactment of CVC Act, 2003, the superintendence of Delhi Special Police Establishment vests with the Central Government save investigations of offences

under the Prevention of Corruption Act, 1988, in which, the superintendence vests with the Central Vigilance Commission.

- The **Director of CBI has been provided security of two-year tenure in office by the CVC Act, 2003.**

Q 92.B

All the statements are correct.

The Election Commission of India conducts elections to the Parliament, state legislatures (**Statement 1 is correct**) and offices of President and Vice-President.

Its powers and functions are:

- To determine the territorial areas of the electoral constituencies throughout the country on the basis of the Delimitation Commission Act of Parliament. (**Statement 2 is correct**)
- To prepare and periodically revise electoral rolls and to register all eligible voters. (**Statement 3 is correct**)
- To notify the dates and schedules of elections and to scrutinise nomination papers.
- To grant recognition to political parties and allot election symbols to them.
- To act as a court for settling disputes related to granting of recognition to political parties and allotment of election symbols to them.
- To determine the code of conduct to be observed by the parties and the candidates at the time of elections.
- To advise the president on matters relating to the disqualifications of the members of Parliament.
- To cancel polls in the event of rigging, booth capturing, violence and other irregularities.
- To supervise the machinery of elections throughout the country to ensure free and fair elections.
- To advise the president whether elections can be held in a state under president's rule in order to extend the period of emergency after one year.
- To register political parties for the purpose of elections and grant them the status of national or state parties on the basis of their poll performance.

Q 93.B

- It was in 1934 that the idea of a Constituent Assembly for India was put forward for the first time by **M. N. Roy**, a pioneer of communist movement in India and an advocate of radical democracy. In 1935, the Indian National Congress (INC), for the first time, officially demanded a Constituent Assembly to frame the Constitution of India. In 1938, Jawaharlal Nehru, on behalf the INC declared that 'the Constitution of free India must be framed, without outside interference, by a Constituent Assembly elected on the basis of adult franchise'.

Q 94.A

Those provisions of the Constitution which are related to the federal structure of the polity can be amended by a special majority of the Parliament and also with the consent of half of the state legislatures by a simple majority. The following provisions can be amended in this way:

- **Election of the President and its manner.**
- Extent of the executive power of the Union and the states.
- **Supreme Court and high courts.**
- Distribution of legislative powers between the Union and the states.
- Any of the lists in the Seventh Schedule.
- Representation of states in Parliament.
- Power of Parliament to amend the Constitution and its procedure (Article 368 itself).

Fundamental Rights and **Directive Principles of State Policy** can be amended by Parliament without requiring ratification of state legislatures.

Q 95.A

- The CVC is a multi-member body consisting of a **Central Vigilance Commissioner (chairperson) and not more than two vigilance commissioners**.
- They are **appointed by the President by warrant under his hand and seal** on the recommendation of a three-member committee consisting of the prime minister as its head, the Union minister of home affairs and the Leader of the Opposition in the Lok Sabha.
- They **hold office for a term of four years** or until they attain the age of sixty five years, whichever is earlier.
- After their tenure, they are not eligible for further employment under the Central or a state government.

Q 96.C

Preamble to Indian Constitution:

- “We, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST **SECULAR** DEMOCRATIC REPUBLIC and to secure to all its citizens:
- JUSTICE, Social, Economic and Political;
- LIBERTY of thought, expression, belief, faith and worship;
- **EQUALITY** of status and of opportunity; and to promote among them all;
- **FRATERNITY** assuring the dignity of the individual and the unity and integrity of the Nation;
- IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION”.

Q 97.B

Features of the Pitts India Act, 1784:

- It distinguished between the commercial and political functions of the Company.
- It allowed the Court of Directors to manage the commercial affairs but created a new body called Board of Control to manage the political affairs. Thus, it established a system of double government.
- It empowered the Board of Control to supervise and direct all operations of the civil and military government or revenues of the British possessions in India.

Thus, the act was significant for two reasons: first, the Company's territories in India were for the first time called the 'British possessions in India'; and second, the British Government was given the supreme control over Company's affairs and its administration in India.

The Regulating Act of 1773 provided for the establishment of a Supreme Court at Calcutta (1774) comprising one chief justice and three other judges. **Hence option (b) is not correct.**

Q 98.D

- The **Lokpal Act allows setting up of anti-corruption ombudsman called Lokpal at the Centre and Lokayukta at the State-level.**
- The Lokpal will consist of a chairperson and a maximum of eight members. The **Lokpal will cover all categories of public servants, including the Prime Minister.**
- But the armed forces do not come under the ambit of Lokpal. The Act also incorporates provisions for attachment and confiscation of property acquired by corrupt means, even while the prosecution is pending.
- The States will have to institute Lokayukta within one year of the commencement of the Act.
- It has been made mandatory for public servants to declare their assets and liabilities along with that of their spouse and dependent children. The Act also ensures that public servants who act as whistleblowers are protected. A separate Whistle Blowers Protection Act was passed for this purpose.
- The Lokpal will have the power of superintendence and direction over any investigation agency including CBI for cases referred to them by the ombudsman.
- As per the Act, the Lokpal can summon or question any public servant if there exists a prima facie case against the person, even before an investigation agency (such as vigilance or CBI) has begun the probe.

Any officer of the CBI investigating a case referred to it by the Lokpal, shall not be transferred without the approval of the Lokpal.

- An investigation must be completed within six months. However, the Lokpal or Lokayukta may allow extensions of six months at a time provided the reasons for the need of such extensions are given in writing.
- The Lokpal can award fine up to Rs. 2 lakh for false, frivolous or vexatious complaints.

Q 99.D

- **Statement 1 is not correct.** Fundamental Duties are only confined to the citizens and do not extend to the foreigners.
- **Statement 2 is not correct:** The Supreme Court under Article 32 has the power to issue directions or orders or writs for the enforcement of Fundamental Rights only.

Q 100.D

- Fundamental Rights are guaranteed against the actions of the Legislatures, the Executive, and any other authorities instituted by the government. There can be no law or action that violates the Fundamental Rights. If any act of the Legislature or the Executive takes away or limits any of the Fundamental Rights it will be invalid. **Hence, statement 1 is not correct.**
- Courts also enforce the Fundamental Rights against private individuals and bodies. The Supreme Court and High Courts have the power to issue directions, orders or writs for the enforcement of the Fundamental Rights. They can also award compensation to the victims and punishment to the violators. **Hence, statement 2 is not correct.**

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