

UPSC Prelims Test Series 2020

Test 7: Polity and Constitution

Explanations

Answer Keys:

Que	Ans	Que	Ans	Que	Ans	Que	Ans
1	A	26	B	51	D	76	A
2	D	27	B	52	D	77	B
3	A	28	C	53	A	78	B
4	D	29	C	54	A	79	A
5	D	30	B	55	B	80	A
6	B	31	B	56	A	81	B
7	A	32	D	57	D	82	D
8	D	33	D	58	C	83	A
9	D	34	C	59	A	84	D
10	B	35	A	60	C	85	B
11	B	36	B	61	B	86	C
12	D	37	A	62	C	87	A
13	A	38	C	63	A	88	B
14	A	39	D	64	Cancelled	89	C
15	A	40	B	65	D	90	C
16	B	41	D	66	B	91	A
17	D	42	A	67	C	92	D
18	A	43	B	68	D	93	B
19	A	44	D	69	C	94	B
20	B	45	D	70	A	95	C
21	C	46	B	71	C	96	A
22	D	47	D	72	D	97	B
23	B	48	A	73	B	98	A
24	A	49	B	74	D	99	C
25	B	50	C	75	D	100	C

Explanations

Q1] Ans- A

Solution:

The Preamble declares India to be a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC. Thus, the idea of sovereignty emerges from the Preamble of the Constitution of India.

Though the Constitution declared itself to be a sovereign, it applies the principle of fraternity beyond the national boundaries in order to uphold the principle of Universal Brotherhood.

The definition of Sovereignty says that the State enjoys the authority to legislate on any subject, which may be of international nature also.

Sovereignty is a term with positive connotations, it doesn't encourage the idea of isolationism and Jingoism.

Q 2] Ans- D

Solution:

Under article 19(1) (a), the right to freedom of speech and expression covers activities like casting a vote in an election where the vote is considered a choice of expression by the voter.

Right to information under the Right to Information Act 2005 is also a facet under the Right to Freedom of speech and expression under article 19(1)(a). It is also a facet of article 21.

The Right to freedom of speech and expression includes the right to silence also.

Q3] Ans- A

The National Commission for Safai Karamcharis (NCSK) was constituted on 12th August 1994 as a statutory body by an Act of Parliament viz. 'National Commission for Safai Karamcharis Act, 1993'.

The act "The National Commission for Safai Karamcharis Act, 1993" lapsed in February 2004.

So, today the Commission is acting as a non-statutory body of the Ministry of Social Justice and Empowerment whose tenure is extended from time to time through Government Resolutions.

There is no fund called as National Safai Karmacharis Fund. Instead there is National Safai Karamcharis Finance & Development Corporation(NSKFDC), A wholly owned Govt. of India Undertaking under the Ministry of Social Justice & Empowerment (M/o SJ&E) was set up on 24th January 1997 as a Company "Not for Profit" under Section 25 of the Companies Act, 1956. NSKFDC is in operation as an Apex Corporation for the all round socio-economic upliftment of the Safai Karamcharis, Scavengers and their dependants throughout India, through various loan and non-loan based schemes.

Q4] Ans- D

The term of office of the AG is not fixed by the Constitution. Constitution does not contain the procedure and grounds for his removal.

He holds office during the pleasure of the President i.e. 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 (CoM) resigns or is replaced, as he is appointed on its advice. So, statement (3) is incorrect.

The remuneration of the AG is not fixed by the Constitution. He receives such remuneration as the president may determine.

AG is not a full-time counsel for the Government. He does not fall in the category of government servants. He is not debarred from private legal practice.

AG has the right of audience in all courts in the territory of India. Further, he 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 MP.

Q5] Ans- D

Under the Constitution, a person shall be disqualified for being elected as a MP/MLA

1. if he holds any office of profit under the Union or state government
2. if he is of unsound mind and stands so declared by a court.
3. if he is an undischarged insolvent.
4. 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
5. if he is so disqualified under any law made by Parliament.

The Parliament has laid down the following additional disqualifications in Representation of People Act (1951):

1. He must not have been found guilty of certain election offences or corrupt practices in the elections.
2. He must not have been convicted for any offence resulting in imprisonment for two or more years. But, the detention of a person under a preventive detention law is not a disqualification.
3. He must not have failed to lodge an account of his election expenses within the time.
4. He must not have any interest in government contracts, works or services.
5. He must not be a director or managing agent nor hold an office of profit in a corporation in which the government has at least 25 per cent share.
6. He must not have been dismissed from government service for corruption or disloyalty to the State.
7. He must not have been convicted for promoting enmity between different groups or for the offence of bribery.
8. He must not have been punished for preaching and practising social crimes such as untouchability, dowry and sati.

On the question whether a member is subject to any of the above disqualifications, President's decision is final. However, he should obtain the opinion of the election commission and act accordingly.

The Constitution also 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.

Q6] Ans- B

Presently there is a lack of fast information channel to transmit and track complaints on MCC violations. Delay in reporting of Model Code of Conduct (MCC) violations has often resulted in the culprits escaping detection from the flying squads of election commission entrusted to ensure enforcement of Model Code of Conduct. Further, lack of any documented, untampered, evidence in the form of pictures or videos was a major hurdle in establishing the veracity of a complaint ex-post facto. The Commission's experience has also shown a significant percentage of reporting was false or inaccurate, which led to wastage of precious time of Field Units. Further, the absence of a robust response system to quickly and accurately identify the scene of occurrence with the help of geographical location details hampered election officers' ability to reach the spot on time to apprehend the violators.

The new cVIGIL app launched by ECI is expected to fill in all these gaps and create a fast-track complaint reception and redressal system. cVIGIL is an innovative mobile application for citizens to report Model Code of Conduct and Expenditure violations during the elections. 'cVIGIL' stands for Vigilant Citizen and emphasizes the proactive and responsible role citizens can play in the conduct of free and fair elections.

cVIGIL, a user-friendly and easy to operate the android application, which can be used for reporting violations from the date of notifications for bye-election/ assembly/ parliamentary elections. The uniqueness of the app is that it only allows Live Photo/ video with auto location capture from within the app to ensure digital evidence for flying squads to act upon in a time-bound manner.

Q7] Ans- 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, all money required to meet:

- (a) The grants voted by the Lok Sabha.
- (b) The expenditure charged on the Consolidated Fund of India.

No such amendment can be proposed to the appropriation bill in either house of the Parliament that will have the effect of varying the amount or altering the destination of any grant voted, or of varying the amount of any expenditure charged on the Consolidated Fund of India.

The Appropriation Bill becomes the Appropriation Act after it is assented to by the President. 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.

Q8] Ans- D

Article 17 abolishes 'untouchability' and forbids its practice in any form. Under the Protection of Civil Rights Act (1955), the offences committed on the ground of untouchability are punishable either by imprisonment up to six months or by fine upto 500 or both.

The act defines civil right as any right accruing to a person by reason of the abolition of untouchability by Article 17 of the Constitution.

The term 'untouchability' has not been defined either in the Constitution or in the Act.

The Supreme Court held that the right under Article 17 is available against private individuals and it is the constitutional obligation of the State to take necessary action to ensure that this right is not violated.

Q9] Ans- D

In India, the Constitution itself confers the power of judicial review on the judiciary (both the SC as well as HC) under Art 13. Further, the SC has declared the power of judicial review as a basic structure.

Judicial review is the power of the judiciary to examine the constitutionality of legislative enactments and executive orders of both the Central and State governments.

Justice Syed Shah Mohamed Quadri has classified the judicial review into the following three categories:

1. Judicial review of constitutional amendments.
2. Judicial review of legislation of the Parliament and State Legislatures and subordinate legislations.
3. Judicial review of administrative action of the Union and State and authorities under the State.

In Coehlo case, SC held that Sch 9 is not immune to judicial reviews and any additions to Sch 9 post Keshvanand Bharti case are under judicial review.

Q10] Ans- B

A 'Zero FIR' is a document that can be registered by ANY police station when a complainant approaches them for a cognizable offence, whether the case is in their jurisdiction or not.

Normally, an FIR is registered by a serial number in the police station having territorial jurisdiction to investigate the Crime. BUT Zero FIR can only be registered but not numbered. Such unnumbered FIR is then forwarded to the concerned police station where it gets numbered and then proceeded for investigation.

Justice Verma Committee Report recommended the provision of Zero FIR, after the December 2012 gang rape in Delhi (Nirbhaya Case).

On January 18, 2013, Delhi police announced that Zero FIRs can be registered on the basis of a woman's statement at any police station irrespective of jurisdiction. This means women can file an FIR at any police station and the complaint is required to be registered on the basis of the woman's complaint verbatim. Soon it was followed by Telangana also.

Q11] Ans- B

The budget goes through the following six stages in the Parliament:

1. Presentation of budget.
2. General discussion.
3. Scrutiny by departmental committees.
4. Voting on demands for grants.
5. Passing of appropriation bill.
6. Passing of finance bill.

Q12] Ans- D

India's Constitution does not define the term "office of profit". But Articles 102(1) and 191(1) restrict lawmakers from accepting "any office of profit" under the central or state governments, other than those that are specifically exempted by laws made by Parliament or State Assemblies.

If a person held an office of profit at the time of his election, but resigned later on, he can still be disqualified. Since he was holding the office at the time of election, which might have helped him in some ways.

Under the Constitution, before deciding on a petition seeking disqualification for OoP, the President has to get the opinion of the ECI, which is binding on him.

Q13] Ans- A

In pursuance of the provision of Article 350-B of the Constitution, the office of the Special Officer for Linguistic Minorities was created in 1957. He is designated as the Commissioner for Linguistic Minorities.

At the Central level, Commissioner falls under the Ministry of Minority Affairs. Hence, he submits the annual reports or other reports to the President through the Union Minority Affairs Minister.

Q14] Ans- A

Yuelu Proclamation:

It was made by UNESCO at China, in 2018. It says the protection and promotion of linguistic diversity help to improve social inclusion and partnerships.

It helps reduce the gender and social inequality between different native speakers.

It guarantee the rights for native speakers of endangered, minority, indigenous languages, as well as non-official languages and dialects to receive education, enhance the social inclusion level and social decision-making ability by encouraging them to participate in a series of actions to promote cultural diversity, endangered language protection, and the protection of intangible cultural heritage.

Q15] Ans- A – The question asks which of the statements are **not** characteristics.

The first-past-the-post (FPTP) system is also known as the simple majority system. In this voting method, the candidate with the highest number of votes in a constituency is declared the winner.

While FPTP is relatively simple, it does not always allow for a truly representative mandate, as the candidate could win despite securing less than half the votes in a contest. Also, smaller parties representing specific groups have a lower chance of being elected in FPTP. Hence minorities interests likely to remain unrepresented.

Under the existing system, representatives may be elected by a minority of votes, but their party grabs the majority of seats in the legislature. It leads to multi-party system and even leads to formation of coalition government.

Also the existing system also encourages parties to target vote-banks, enter divisive electoral strategies and field tainted candidates.

Q16] Ans- B

The Parliament makes laws in a skeleton form and authorizes the Executive to make detailed rules and regulations within the framework of the parent law. This is known as delegated legislation or executive legislation or subordinate legislation.

Q17] Ans- D

The term of the Prime Minister is not fixed and he holds office during the pleasure of the President. However, this does not mean that the president can dismiss the Prime Minister at any time. So long as the Prime Minister enjoys the majority support in the Lok Sabha, he cannot be dismissed by the President. However, if he loses the confidence of the Lok Sabha, he must resign or the President can dismiss him.

Q18] Ans- A

A session of Parliament consists of many meetings. Each meeting of a day consists of two sittings, that is, a morning sitting and post-lunch sitting A sitting of Parliament can be terminated by adjournment or adjournment *sine die* or prorogation or dissolution (in the case of the Lok Sabha).

An adjournment suspends the work in a sitting for a specified time, which may be hours, days or weeks.

Adjournment *sine die* means terminating a sitting of Parliament for an indefinite period. In other words, when the House is adjourned without naming a day for reassembly, it is called adjournment *sine die*. The power of adjournment as well as adjournment *sine die* lies with the presiding officer of the House. He can also call a sitting of the House before the date or time to which it has been adjourned or at any time after the House has been adjourned *sine die*.

Prorogation

The presiding officer (Speaker or Chairman) declares the House adjourned *sine die*, when the business of a session is completed. Within the next few days, the President issues a notification for prorogation of the session. However, the President can also prorogue the House while in session.

Q19] Ans- A

Supreme Court examined the pardoning power of the President under different cases and laid down the following principles:

1. The petitioner for mercy has no right to an oral hearing by the President.
2. The President can examine the evidence afresh and take a view different from the view taken by the court.

3. The power is to be exercised by the President on the advice of the union cabinet.
4. The President is not bound to give reasons for his order.
5. The President can afford relief not only from a sentence that he regards as unduly harsh but also from an evident mistake.
6. There is no need for the Supreme Court to lay down specific guidelines for the exercise of power by the President.
7. The exercise of power by the President is not subject to judicial review except where the presidential decision is arbitrary, irrational, *mala fide* or discriminatory.
8. Where the earlier petition for mercy has been rejected by the President, stay cannot be obtained by filing another petition.

Q20] Ans- B

SATH program launched by NITI Aayog. Furthering the agenda for cooperative federalism, NITI Aayog has launched SATH, a program providing 'Sustainable Action for Transforming Human capital' with the State Governments. The vision of the program is to initiate transformation in the education and health sectors.

Q 21] Ans- C

Rule of Thumb : Almost all the constitutional bodies submit report to President / Governor, whereas almost all (**except CVC**) statutory bodies submit report to Central Govt / State Govt

Constitutional Bodies:

UPSC – President

SPSC – Governor

Finance Commission – President

NCSC, NCST – President

Special Officer for Linguistic Minorities – (Submits the annual report to the President through

the **Union Minority Affairs Ministry**)

CAG – President

Statutory Bodies:

NHRC - Central Govt

SHRC – State Govt

Central Information Commission– Central Govt

State Information Commission – State Govt

Exception among statutory bodies : Central Vigilance Commission – President

Q22] Ans- D

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. If one or some or all the remaining states take no action on the bill, it does not matter; the moment half of the states give their consent, the formality is completed. There is no time limit within which the states should give their consent to the bill. The following provisions can be amended in this way:

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

Q 23] Ans- B

The president can summon both the Houses to meet in a joint sitting for the purpose of deliberating and voting on the bill. provision of joint sitting is applicable to ordinary bills or financial bills only and not to money bills or Constitutional amendment bills.

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 Parliament.

Q 24] Ans- A

The three states (Mizoram, Nagaland and Arunachal Pradesh) are governed by the Inner Line Permit (ILP) system that regulates the entry of people from other states.

The ILP is an official travel document issued by the government to grant permission for inward travel of an Indian citizen into a protected area for a limited time period in a state that is protected under the ILP system.

Basically, it means that even Indian citizens cannot travel to, or stay in, areas under the ILP system without express approval from the government.

Background of the Inner Line Permit:

The concept comes from the colonial era. Under the Bengal Eastern Frontier Regulation Act, 1873, the British framed regulations restricting the entry and regulating the stay of outsiders in designated areas.

This was to protect the Crown's own commercial interests by preventing "British subjects" (Indians) from trading within these regions.

In 1950, the Indian government replaced “British subjects” with “Citizen of India”, to address local concerns about protecting the interests of the indigenous people from outsiders belonging to other Indian states.

Exception to CAA 2019: The Bill adds that the provisions on citizenship for illegal migrants will not apply to the tribal areas of Assam, Meghalaya, Mizoram, or Tripura, as included in the Sixth Schedule to the Constitution. These tribal areas include Karbi Anglong (in Assam), Garo Hills (in Meghalaya), Chakma District (in Mizoram), and Tripura Tribal Areas District. It will also not apply to the areas under the Inner Line” under the Bengal Eastern Frontier Regulation, 1873. The Inner Line Permit regulates visit of Indians to Arunachal Pradesh, Mizoram, and Nagaland.

Q 25] Ans- B

Article 323 A empowers the Parliament to provide for the establishment of administrative tribunals.

Q 26] Ans- B

The 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.

The Commission can order inquiry into any matter if there are reasonable grounds (suo-moto power).

The Commission submits an annual report to the Central Government on the implementation of the provisions of this Act. The Central Government places this report before each House of Parliament.

Q 27] Ans- B

Law Commission of India is an executive body established by an order of the Government of India. Its major function is to work for legal reform. Its membership primarily comprises legal experts, who are entrusted a mandate by the Government. The Commission is established for a fixed tenure and works as an advisory body to the Ministry of Law and Justice. The first Law Commission was established during the British Raj era in 1834 by the Charter Act of 1833. It was presided by Lord Macaulay. After that, three more Commissions were established in pre-independent India.

The Law Commission works in close co-ordination and under the general instruction of Ministry of Law and Justice. It generally acts as the initiation point for law reform in the country. Internally, the Law Commission works in a research-oriented manner.

Important Recommendation Of The 21st Law Commission On Tribunals Under Justice B.S. Chauhan:

- a) The Commission recommended that the Chairman, Vice-Chairman and judicial members of tribunals should be appointed by a selection committee headed by the Chief Justice of India or a sitting judge of the Supreme Court.
- b) There should be uniformity in service conditions of the members of the tribunals.
- c) To ensure uniformity across all affairs of various tribunals, the function of monitoring their working should be transferred to a single nodal agency, set up under the Ministry of Law and Justice.

- d) It recommended that appeals against a tribunal's order should lie before a High Court only where the law establishing such a tribunal does not establish an appellate tribunal.
- e) Tribunals should have benches in different parts of the country to ensure access to justice by people across geographical areas.

Q 28] Ans- C

The procedure for the amendment of the Constitution as laid down in Article 368 is as follows:

1. An amendment of the Constitution can be initiated only by the introduction of a bill for the purpose in either House of Parliament and not in the state legislatures.
2. The bill can be introduced either by a minister or by a private member and does not require prior permission of the president.
3. The bill must be passed in each House by a special majority, that is, a majority .
4. 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
5. If the bill seeks to amend the federal provisions of the Constitution, it must also be ratified by the legislatures of half of the states by a simple majority, that is, a majority of the members of the House present and voting.
6. 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.
7. 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.
8. After the president's assent, the bill becomes an Act (i.e., a constitutional amendment act) and the Constitution stands amended in accordance with the terms of the Act.

Q 29] Ans- C

The Constitution does not lay down any grounds upon which a governor may be removed by the President.

The judges of a high court are appointed by the President. The chief justice is appointed by the President after consultation with the chief justice of India and the governor of the state concerned. For appointment of other judges, the chief justice of the concerned high court is also consulted. In case of a common high court for two or more states, the governors of all the states concerned are consulted by the president.

The chief minister is appointed by the President (not by the Lieutenant governor).

The other ministers are appointed by the president on the advice of the chief minister. The ministers hold office during the pleasure of the president. The council of ministers is collectively responsible to the assembly.

Q 30] Ans- B

Chief secretary has no fixed tenure. All transactions of business under the constitutional scheme take place in the name of Governor and President. Under the constitutional scheme governor appoints the CM, advocate general and members and chairman of state PSC. The decision to appoint the chief secretary is a power exercised by the CM but only executed in the name of the governor.

Chief Secretary is considered the Chief Executive of the state government and considered to be 'a linchpin' in the administration. Chief Secretary of the state also acts as the ex-officio Chairman of the State Civil Service Board, which recommends transfer/postings of officers of All India Services and State Civil Services in the state.

Q 31] Ans- B

A member can raise a point of order when the proceedings of the House do not follow the normal rules of procedure. A point of order should relate to the interpretation or enforcement of the Rules of the House or such articles of the Constitution that regulate the business of the House and should raise a question that is within the cognizance of the Speaker. It is usually raised by an opposition member in order to control the government. It is an extra-ordinary device as it suspends the proceedings before the House. No debate is allowed on a point of order.

Q 32] Ans- D

Lok Adalat is a forum where the cases (or disputes) which are pending in a court or which are at pre-litigation stage (not yet brought before a court) are compromised or settled in an amicable manner.

Every Lok Adalat organized 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 organizing such Lok Adalat. Generally, a Lok Adalat consists of a judicial officer as the chairman and a lawyer (advocate) and a social worker as members.

Matters such as Matrimonial / Family Disputes, **Criminal (Compoundable Offences) cases**, Land Acquisition cases, Labour disputes, Workmen's compensation cases, Bank Recovery cases, Pension cases, Housing Board and Slum Clearance cases, Housing Finance cases, Consumer Grievance cases, Electricity matters, Disputes relating to Telephone Bills, Municipal matters including House Tax cases, Disputes with Cellular Companies etc. are being taken up in Lok Adalats.

But, the Lok Adalat shall have **no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law**. In other words, the offences which are non-compoundable under any law fall outside the purview of the Lok Adalat.

Q 33] Ans-D

New restructured scheme of Rashtriya Gram Swaraj Abhiyan (RGSA), for developing governance capabilities of Panchayati Raj Institutions (PRIs) to deliver on the Sustainable Development Goals (SDGs). This scheme will extend to all States and UTs of the country and will also include institutions of rural local government in non-Part IX areas, where Panchayats do not exist.

Objectives of RGSA:

- ✓ Develop governance capabilities of PRIs to deliver on the SDGs.
- ✓ Enhance capabilities of Panchayats for inclusive local governance with focus on optimum utilization of available resources and convergence with other schemes to address issues of national importance.
- ✓ Enhance capabilities of Panchayats to raise their own sources of revenue.
- ✓ Strengthen Gram Sabhas to function effectively as the basic forum of people's participation, transparency and accountability within the Panchayat system.

- ✓ Promote devolution of powers and responsibilities to Panchayats according to the spirit of the Constitution and PESA Act 1996.
- ✓ Develop a network of institutions of excellence to support capacity building and handholding for PRIs.
- ✓ Strengthen institutions for capacity enhancement of PRIs at various levels and enable them to achieve adequate quality standards in infrastructure, facilities, human resources and outcome based training.
- ✓ Promote e-governance and other technology driven solutions to enable good governance in Panchayats for administrative efficiency and improved service delivery. Hence, statement 2 is correct.
- ✓ Recognize and incentivize PRIs based on performance.

Q 34] Ans- C

Privilege Motion is concerned with the breach of parliamentary privileges by a minister. It is moved by a member when he feels that a minister has committed a breach of privilege of the House or one or more of its members by withholding facts of a case or by giving wrong or distorted facts. Its purpose is to censure the concerned minister. It can be moved in both in both the House of the Parliament and State Legislature.

Q 35] Ans-A

Self Explanatory.

Q 36] Ans-B

While the UPSC and the SPSC are created directly by the Constitution, a JSPSC can be created by an act of Parliament on the request of the state legislatures concerned. Thus, a JSPSC is a statutory and not a constitutional body.

The chairman and members of a JSPSC are appointed by the president. They can be suspended or removed by the president.

A JSPSC presents its annual performance report to each of the concerned state governors. Each governor places the report before the state legislature.

Q 37] Ans-A

- A 'two plus two dialogue' is a term — adopted in foreign parleys — used for installation of a dialogue mechanism between two countries' defence and external affairs ministries.
- To put it simply, 'two plus two dialogue' is an expression used to indicate that two appointed ministers from each country, the ministers of defence and external affairs in this case, will meet up to discuss the two countries' strategic and security interests.

The goal is to establish a diplomatic, yet fruitful, conversation between the two countries' respective heads of defence and external affairs.

India, on the other hand, has established the 2+2 dialogue primarily with Japan. Both the countries have practised a 'two plus two dialogue' mechanism almost annually, held considerably before the meeting of the two prime ministers, since 2010.

This meeting between the external affairs and defence ministers of two countries helps amass the issues both the prime ministers need to tackle later in their scheduled meetings.

Q 38] Ans-C

Article 312 makes the following provisions in respect of all-India services:

(a) The Parliament can create new all-India services (including an all-India judicial service), if the Rajya Sabha passes a resolution declaring that it is necessary or expedient in the national interest to do so. Such a resolution in the Rajya Sabha should be supported by two-thirds of the members present and voting. This power of recommendation is given to the Rajya Sabha to protect the interests of states in the Indian federal system.

(b) Parliament can regulate the recruitment and conditions of service of persons appointed to all-India services. Accordingly, the Parliament has enacted the All-India Services Act, 1951 for the purpose.

Q 39] Ans-D

Both the houses exercise control over the executive through asking questions (Question Hour), discussing matters of urgent public importance, moving calling attention notices, privilege motion and adjournment motions, and also by appointing various committees.

So far as financial control is concerned, the executive has the right to formulate the budget. But Parliament must authorise by law the levy or modification of taxes. If any tax is imposed without legislative authority, the affected person can approach the courts for relief. In addition to it, the executive cannot spend public revenue without the sanction of Parliament. Parliament has also been provided with the means of ensuring economy in the amount of government expenditure.

Q 40] Ans-B

Casteism, communalism, regionalism, ethnisism, factionalism, sectarianism, Linguism are threat to national integration of India.

Q 41] Ans-D

Methods used by pressure groups or interest groups:

- ✓ Lobbying
- ✓ Use of Party Platforms for propogandizing
- ✓ Electioneering
- ✓ Propaganda and Mass Media
- ✓ Strike
- ✓ Demonstrations
- ✓ Gherao

Q 42] Ans-A

The 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. They should be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance. They should not be a Member of Parliament or Member of the Legislature of any State or Union Territory. They should not hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

Q 43] Ans-B

The Telecom Commission was set up by the Government of India vide the Resolution dated 11th April, 1989 with administrative and financial powers of the Government of India to deal with various aspects of Telecommunications.

The Government has re-designated the 'Telecom Commission' as the 'Digital Communications Commission'.

The Digital Communications Commission consists of a Chairman, four full time members, who are ex-officio Secretaries to the Government of India in the Department of Telecommunications and four part time members who are the Secretaries to the Government of India in the concerned Departments. The Secretary to the Government of India in the Department of Telecommunications is the ex-officio Chairman of the Digital Communications Commission.

The Digital Communications Commission is responsible for:

- ✓ Formulating the policy of Department of Telecommunications for approval of the Government;
- ✓ Preparing the budget for the Department of Telecommunications for each financial year and getting it approved by the Government; &
- ✓ Implementation of Government's policy in all matters concerning telecommunication.

Q 44] Ans-D

CAG is integrated audit machinery auditing both centre and states. It is responsible for auditing the performance of the government expenditure. The states have no power over the election and removal of CAG.

Financial emergency - centre becomes all powerful that constrains the fiscal space of states.

FC recommends grants to the states. The role of states is limited in getting the desired grants sanctioned. No say in appointment of members.

Q 45] Ans-D

State govt are not mere agents of Union Govt. They derive their authority from the constitution. They are not sub-ordinate to Centre. Instead, Centre is more powerful than state govt to maintain the unity and integrity of union.

Q 46] Ans-B

To separate the judiciary from the executive in the public services of the State (Article 50 is part of DPSP).

Q 47] Ans-D

Tax Inspectors Without Borders (TIWB) is a joint initiative of the Organisation for Economic Co-operation and Development (OECD) and the United Nations Development Programme (UNDP) supporting countries in building **tax** audit capacity.

The Initiative was widely hailed as capable of assisting developing countries mobilize much-needed domestic revenues in support of the post-2015 sustainable development agenda. The TIWB Initiative facilitates targeted, tax audit assistance programmes in developing countries across the globe. The TIWB Initiative is a strong response to the attention given to effective and efficient mobilisation of domestic resources in achieving the Sustainable Development Goals and the commitments made by the international community in Addis Ababa to strengthen international tax co-operation.

Several TIWB Programmes are currently underway in various countries and jurisdictions to support audit activities. Experience from a pilot phase proves that TIWB-style audit assistance can result in improved quality and consistency of tax audits; sustained improvements in tax audit skills; and higher levels of voluntary compliance by taxpayers. South-South deployments are also a growing element of TIWB programmes.

Q 48] Ans-A

Article 80(4) of Constitution of India provides that members of Rajya Sabha shall be elected by the elected members of State Legislative Assemblies through the system of proportional representation by means of the single transferable vote.

Q 49] Ans-B

NITI & NIC are *not* a constitutional body. Goods & Services Tax Council is a constitutional body for making recommendations to the Union and State Government on issues related to Goods and Service Tax. The GST Council is chaired by the Union Finance Minister and other members are the Union State Minister of Revenue or Finance and Ministers in-charge of Finance or Taxation of all the States.

Q 50] Ans-C

Constitution empowers the Parliament to make laws on any matter enumerated in the State List under the following five extraordinary situations:

1. When Rajya Sabha Passes a Resolution *special majority*
2. During a National Emergency
3. When States Make a Request - When the legislatures of *two or more states* pass resolutions requesting the Parliament to enact laws on a matter in the State List.
4. To Implement International Agreements
5. During President's Rule

Q 51] Ans-D

Art 21A: 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.

Art 45: To provide early childhood care and education for all children until they complete the age of six years.

Art 46: To promote the educational and economic interests of SCs, STs, and other weaker sections of the society and to protect them from social injustice and exploitation.

Art 51 A: 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 52] Ans-D

- 1) Yemen - Houthi
- 2) Nigeria - Boko Haram
- 3) Lebanon - Hizbulla
- 4) Somalia - Al Shabaab
- 5) Syria - ISIS
- 6) Afghanistan - Taliban

Q 53] Ans-A

Original jurisdiction, SC decides the disputes between different units of the Indian Federation i.e. between the Centre and one or more States, between the Centre and any State or States on one side and one or more States on the other or between two or more States. But *disputes between States must involve a question (whether of law or fact) on which the existence or extent of a legal right depends and any suit brought before the SC by a private citizen against the Centre or a State cannot be entertained under this jurisdiction.*

It does not extend to Inter State water disputes, Disputes of commercial nature between the Centre and States, matters referred to the Finance Commission, Recovery of damages by a State against the Centre, etc.

Q 54] Ans- A

India is Parliamentary form but there is no complete separation of power between legislative and executive organs of the State. So statement (3) is wrong.

Double Membership: The ministers are members of both the legislature and the executive. This means that a person cannot be a minister without being a member of the Parliament. The Constitution stipulates that a minister who is not a member of the Parliament for a period of six consecutive months ceases to be a minister.

Collective Responsibility is the bedrock principle of parliamentary government. The ministers are collectively responsible to the Parliament in general and to the Lok Sabha in particular (Article 75). The principle of collective responsibility implies that the Lok Sabha can remove the ministry (i.e., council of ministers headed by the prime minister) from office by passing a vote of no confidence.

Q 55] Ans-B

The Constitution of India provides for a federal system of government in the country. The framers adopted the federal system due to two main reasons —the large size of the country and its socio-cultural diversity. They realised that the federal system not only ensures the efficient governance of the country but also reconciles national unity with regional autonomy.

the term 'federation' has nowhere been used in the Constitution. Instead, Article 1 of the Constitution describes India as a 'Union of States'. The Indian federal system is based on the 'Canadian model' and not on the 'American model'. The 'Canadian model' differs fundamentally from the 'American model' in so far as it establishes a very strong centre.

Q 56] Ans-A

Article 105 for parliament and article 194 for state legislature

Types of Privileges

Collective-:

1. Exclude strangers from proceedings. Hold a secret sitting of the legislature.
2. Freedom of press to publish true reports of Parliamentary proceedings. But, this does not in case of secret sittings
3. Only Parliament/legislature can make rules to regulate its own proceedings
4. There is a bar on court from making inquiry into proceedings of the house (speeches, votes etc.)

Individual-:

1. No arrest during session and 40 days before and 40 days after the session. Protection available only in civil cases and not in criminal cases
2. Not liable in court for any speech in parliament
3. Exempted from jury service when the house is in session.

Q 57] Ans-D

Following bills require prior recommendation of the President:

- a) Bills under Art 3 i.e. form a new state or increase/decrease the area of any state, alter the boundaries of any state, and alter the name of any state.
- b) a bill involving expenditure from the Consolidated Fund of India
- c) Money bills
- d) bills affecting taxation in which states are interested
- e) The legislature of a state can impose reasonable restrictions on the freedom of trade, commerce and intercourse with that state or within that state in public interest. But, a bill for this purpose can be introduced in the legislature only with the previous sanction of the president.

Q 58] Ans-C

Articles 82 and 170 of the Constitution of India provide for readjustment and the division of each State into territorial constituencies (Parliamentary constituencies and Assembly constituencies) on the basis of the latest census by such authority and in such manner as Parliament may, by law, determine. For this Delimitation Act is passed to set up Delimitation Commission as and when required. For eg after redrawing the boundaries of Jammu and Kashmir recently, the Commission was set up exclusively for J&K.

The orders issued by the Delimitation Commission become final and cannot be challenged in any court.

Q 59] Ans-A

It may be filed after a review plea against the final conviction is dismissed. It is meant to ensure there is no miscarriage of justice, and to prevent abuse of process. It can only be filed in SC.

The court ruled that a curative petition can be entertained if the petitioner establishes there was a violation of the principles of natural justice, and that he was not heard by the court before passing an order.

A curative petition must be accompanied by certification by a senior advocate, pointing out substantial grounds for entertaining it. It must be first circulated to a bench of the three senior most judges, and the judges who passed the concerned judgment, if available.

Q 60] Ans-C

UNITARY FEATURES OF THE CONSTITUTION:

- ✓ Strong Centre
- ✓ States Not Indestructible
- ✓ Single Constitution
- ✓ Flexibility of the Constitution
- ✓ No Equality of State Representation
- ✓ Emergency Provisions
- ✓ Single Citizenship
- ✓ Integrated Judiciary
- ✓ All-India Services
- ✓ Integrated Audit Machinery
- ✓ Parliament's Authority Over State List
- ✓ Appointment of Governor
- ✓ Integrated Election Machinery
- ✓ Veto Over State Bills

Q 61] Ans-B

Quadrilateral coordination group is four-nation group working for reconciliation in Afghanistan, which includes Afghanistan, China, Pakistan and the United States of America. India is not a member.

India is a part of Quadrilateral Security Dialogue, which is an informal security dialogue.

Q 62] Ans-C

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.

Equality before law connotes:

- a. The absence of any special privilege to any individual
- b. The equal subjection of all persons to the ordinary law of the land and
- c. No person is above the law

Equal protection of law connotes:

- a. The equality of treatment under equal circumstances, both in the privileges conferred and liabilities imposed by the laws,
- b. The similar application of the same laws to all persons who are similarly situated and
- c. The 'like should be treated alike' without any discrimination.

Q 63] Ans-A

In the following matters, the powers and status of the Rajya Sabha are equal to that of the Lok Sabha:

1. Introduction and passage of ordinary bills.
2. Introduction and passage of Constitutional amendment bills.
3. Introduction and passage of financial bills involving expenditure from the Consolidated Fund of India.
4. Election and impeachment of the president.
5. Election and removal of the Vice-President. However, Rajya Sabha alone can initiate the removal of the vice-president. He is removed by a resolution passed by the Rajya Sabha by a special majority and agreed to by the Lok Sabha by a simple majority.
6. Making recommendation to the President for the removal of Chief Justice and judges of SC & HC, CEC, CAG etc.
7. Approval of ordinances issued by the President.
8. Approval of proclamation of all three types of emergencies by the President.
9. Selection of ministers including the Prime Minister. Under the Constitution, the ministers including PM can be members of either House. However, irrespective of their membership, they are responsible only to the Lok Sabha.
10. Consideration of the reports of the constitutional bodies.
11. Enlargement of the jurisdiction of the Supreme Court and the Union Public Service Commission.

Q 64] Ans- 3 only

The representatives of each union territory in the Rajya Sabha are indirectly elected by members of an electoral college specially constituted for the purpose. This election is also held in accordance with the system of proportional representation by means of the single transferable vote. Out of the seven union territories, only two (Delhi and Puducherry) have representation in Rajya Sabha.

The Rajya Sabha (first constituted in 1952) is a continuing chamber, that is, it is a permanent body and not subject to dissolution. It is even not dissolved during national emergency.

Rajya Sabha represents the local interests i.e. interest of the states at the central level. RS is conceived as a means to institutionalise the federal principle of power-sharing between the Centre and states. The upper house in parliament (Council of States), can be understood as an institutional arrangement through which constituent units become part of the decision-making process at the central level itself.

MP of RS have freedom of expression while voting. Mostly they follow they party whip and not the dictates of the states which they represents.

Q 65] Ans-D

Self explanatory.

Q 66] Ans-B

The President may, with the consent of the state government, entrust to that government any of the executive functions of the Centre.

Conversely, 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.

This mutual delegation of administrative functions may be conditional or unconditional.

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). Notably, the same thing cannot be done by the state legislature.

From the above, it is clear that the mutual delegation of functions between the Centre and the state can take place either under an agreement or by a legislation. While the Centre can use both the methods, a state can use only the first method.

Q 67] Ans-C

The governor can reserve certain types of bills passed by the state legislature for the consideration of the President. The president enjoys absolute veto over them.

Bills on certain matters enumerated in the State List can be introduced in the state legislature only with the previous sanction of the president. (For example, the bills imposing restrictions on the freedom of trade and commerce).

The President can direct the states to reserve money bills and other financial bills passed by the state legislature for his consideration during a financial emergency.

Q 68] Ans-D

A judge of the Supreme Court can be removed from his Office by an order of the president. The President can issue the removal order only after an address by Parliament has been presented to him in the same session for such removal.

The address must be supported by a special majority of each House of Parliament (ie, a majority of the total membership of that House and a majority of not less than two-thirds of the members of that House present and voting). The grounds of removal are two—proved misbehaviour or incapacity.

The Judges Enquiry Act (1968) regulates the procedure relating to the removal of a judge of the Supreme Court by the process of impeachment.

Q 69] Ans-C

The Himalayan State Regional Council will be chaired by the Dr VK Saraswat, Member, NITI Aayog and will consist of the Chief Secretaries of the Himalayan States as well as the Secretaries of key Central Ministries, senior officers of NITI Aayog as well as special invitees.

The Council has been constituted to review and implement identified action points based on the Reports of five Working Groups, which were established along thematic areas to prepare a roadmap for action.

Functions:

- The Himalayan States Regional Council will be the nodal agency for the Sustainable development in the Himalayan Region which consists of the twelve States namely Jammu & Kashmir, Uttarakhand, Himachal Pradesh, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, two districts of Assam namely Dima Hasao and KarbiAnglong and Darjeeling and Kalimpong in West Bengal.
- **The terms of reference** of the Council states that it shall monitor the implementation of action points for Central Ministries, Institutions and 12 Himalayan State Governments in Indian Himalayan Region which include river basin development and regional cooperation, spring mapping and revival across Himalayas in phased manner for water security; develop, implement and monitor tourism sector standards as well as bring policy coherence, strengthen skill & entrepreneurship with focus on identified priority sectors, among other action points.

Q 70] Ans-A

GIS enabled Road Information Management & Monitoring System (GRIMMS) is part of G-Governance where geo spatial knowledge is used for good governance.

Q 71] Ans-C

Constitution empowers the Parliament to make laws on any matter enumerated in the State List under the following five extraordinary circumstances:

- ✓ 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.
- ✓ The Parliament acquires the power to legislate with respect to matters in the State List, while a proclamation of national emergency is in operation. The laws become inoperative on the expiration of six months after the emergency has ceased to operate.
- ✓ When the legislatures of two or more states pass resolutions requesting the Parliament to enact laws on a matter in the State List, then the Parliament can make laws for regulating that matter. A law so enacted applies only to those states which have passed the resolutions.
- ✓ When the President's rule is imposed in a state, the Parliament becomes empowered to make laws with respect to any matter in the State List in relation to that state. A law made so by the Parliament continues to be operative even after the president's rule.
- ✓ The Parliament can make laws on any matter in the State List for implementing the international treaties, agreements or conventions. This provision enables the Central government to fulfil its international obligations and commitments.

Q 72] Ans-D

The NOTA option was introduced in India following a 2013 Supreme Court directive in the People's Union for Civil Liberties v Union of India. NOTA option aims to allow voters to disapprove all the candidates while delivering their vote. SC remarked that NOTA will indeed compel the political parties to nominate a sound candidate.

NOTA in India does not provide for a 'right to reject'. Election Commission currently has no plenary power to call a fresh election even if NOTA secures highest votes.

The candidate with the maximum votes wins the election irrespective of the number of NOTA votes polled.

Whereas in "right-to-reject" system, if the majority of voters opt for "none of the above" option, no candidate will be declared the winner and a fresh election will be called.

Also, the NOTA votes have not been accounted while calculating votes polled by candidates for making them eligible (1/6th of valid votes) for getting back their security deposits.

There is no statutory provision for NOTA as well as MCC.

Q 73] Ans-B

In the contemporary world, however, constitutional governments are also generally democracies, and in most cases they are referred to as constitutional democracies or constitutional-democratic systems.

The democratic constitutional government gives more importance to liberties of the citizens as compared to authority of the state. So it places effective effective restrictions on state authority and not on individual liberty.

Q 74] Ans-D

Judiciary is very much part of the democratic political structure & therefore accountable to people of India
(NCERT XI – Chp 6)

Q 75] Ans-D

A governor holds office for a term of five years from the date on which he enters upon his office. However, this term of five years is subject to the pleasure of the President. Further, he can resign at any time by addressing a resignation letter to the President.

A governor can hold office beyond his term of five years until his successor assumes charge. The underlying idea is that there must be a governor in the state and there cannot be an interregnum.

Q 76] Ans-A

The term 'law' in Article 13 has been given a wide connotation so as to include the following:

- (a) Permanent laws enacted by the Parliament or the state legislatures;
- (b) Temporary laws like ordinances issued by the president or state governors;
- (c) Statutory instruments in the nature of delegated legislation (executive legislation) like order, bye-law, rule, regulation or notification; and
- (d) Non-legislative sources of law, that is, custom or usage having the force of law.

Thus, not only a legislation but any of the above can be challenged in the courts as violating a Fundamental Right and hence, can be declared as void.

Q 77] Ans-B

Any citizen of India of full age and capacity can make a declaration renouncing his Indian Citizenship. Upon registration of that declaration, that person ceases to be a citizen of India. Further when a person renounces his Indian Citizenship, every minor Child of that person also loses Indian citizenship. However, when such a child attains the age of 18, he may resume Indian Citizenship.

FRs which are available to both citizens and foreigners -:

- Equality before law and equal protection of laws (Article 14)
- Protection in respect of conviction for offences (Article 20)
- Protection of life and personal liberty (Article 21). Right to Privacy has been declared as a fundamental right by Supreme Court under Article 21.
- Right to education (Article 21A)
- Protection against arrest and detention in certain cases (Article 22).
- Prohibition of traffic in human beings and forced labour (Article 23).
- Prohibition of employment of children in factories etc., (Article 24).
- Freedom of conscience and free profession, practice and propagation of religion (Article 25).
- Freedom to manage religious affairs (Article 26).
- Freedom from payment of taxes for promotion of any religion (Article 27).

- Freedom from attending religious instruction or worship in certain educational institutions (Article 28).

FRs which are available only for Indian Citizens -:

- Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth (Article 15)
- Equality of opportunity in matters of public employment (Article 16)
- Six basic freedoms subject to reasonable restrictions (Article 19)
- Protection of language, script and culture of minorities (Article 29)

Q 78] Ans-B

Preamble provides for the date of adoption of Indian Constitution. It stipulates November 26, 1949 as the date.

Preamble has been amended only once so far, in 1976, by the 42nd amendment act, which added three new words - Socialist, Secular and Integrity - to the preamble.

Supreme Court in Kesavananda Bharati Case, 1973 held that Preamble is part of the Indian Constitution. It also held that Preamble can be amended under Article 368 subject to the condition that no amendment is done to the 'basic features'.

The Supreme Court in Kesavananda Bharati Case, 1973 held that Preamble -:

- is a part of the Constitution
- is neither a source of power to legislature nor a source of limitations upon powers of legislature.
- has a significant role to play in the interpretation of statutes, also in the interpretation of provisions of the Constitution.

Q 79] Ans-A

CVC is the main agency for preventing corruption in the Central government. It was established in 1964 by an executive resolution of the Central government. In 2003, the Parliament enacted a law conferring statutory status on the CVC.

The CVC is not controlled by any Ministry/Department. It is an independent body which is only responsible to the Parliament. Hence, statement 1 is not correct.

President can remove the CV Commissioner or any vigilance commissioner from the office under the following circumstances:

- If he is adjudged an insolvent; or
- If he has been convicted of an offence which (in the opinion of the Central government) involves a moral turpitude;
- 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; or
- If he has acquired such financial or other interest as is likely to affect prejudicially his official functions.

In addition to these, the president can also remove the Central Vigilance Commissioner or any vigilance commissioner on the ground of proved misbehaviour or incapacity. However, in these cases, 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, then the president can remove him.

The CVC has to present annually to the President a report on its performance. The President places this report before each House of Parliament.

Q 80] Ans-A

A person cannot be a member of both Houses of Parliament at the same time. Thus, the Representation of People Act (1951) provides for the following:

- (a) If a sitting member of one House is also elected to the other House, his seat in the first House becomes vacant.
- (b) If a person is elected to both the Houses of Parliament, he must intimate within 10 days in which House he desires to serve. In default of such intimation, his seat in the Rajya Sabha becomes vacant.
- (c) If a person is elected to two seats in a House, he should exercise his option for one. Otherwise, both seats become vacant.
- (d) Similarly, a person cannot be a member of both the Parliament and the state legislature at the same time. If a person is so elected, his seat in Parliament becomes vacant if he does not resign his seat in the state legislature within 14 days.

Article 330 of Indian Constitution provides for reservation of SC/STs in Lok Sabha but no mention of reservation in Rajya Sabha. Thus, the provision for reservation of seats for SCs & STs is applicable only for Lok Sabha.

Q 81] Ans-B

The Doctrine of Eclipse says that any law inconsistent with Fundamental Rights is not invalid. It is not dead totally but overshadowed by the fundamental right. The inconsistency (conflict) can be removed by a constitutional amendment to the relevant fundamental right so that eclipse vanishes and the entire law becomes valid.

The Doctrine of Eclipse is enshrined in the Article 13(1) i.e All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void.

Thus the **Doctrine of Eclipse** provides for the validation of Pre-Constitution Laws that violate fundamental rights upon the premise that such laws are not null and void ab initio but become unenforceable only to the extent of such inconsistency with the fundamental rights. If any subsequent amendment to the Constitution removes the inconsistency or the conflict of the existing law with the fundamental rights, then the Eclipse vanishes and that particular law again becomes active again. Hence statement (b) is correct.

Statement (c) refers to the **Doctrine of Severability** according to which a law becomes invalid only to the extent to which it is inconsistent with the fundamental rights. So only that part of the law will be declared invalid which is inconsistent, and the rest of the law will stand. However, on this point a clarification has been made by the courts that invalid part of the law shall be severed and declared invalid if really it is severable, i.e if after separating the invalid part the valid part is capable of giving effect to the legislature's intent, then only it will survive, otherwise the court shall declare the entire law as invalid.

Statement (d) refers to **doctrine of pith and substance** which provides that if center enters into the domain of the state, or vice versa while making a law, then this encroachment can be upheld given that this encroachment is incidental and not substantial. This doctrine provides a degree of flexibility to otherwise rigid distribution of powers.

Q 82] Ans-D

NRC is the register containing names of Indian Citizens. The only time that a NRC was prepared was in 1951 when after conduct of the Census of 1951, the NRC was prepared by recording particulars of all the persons enumerated during that Census.

NPR is a Register of usual residents of the country containing demographic as well as biometric particulars. It is mandatory for every usual resident of India to register in the National Population Register. The objective of the NPR is to create a comprehensive identity database of every usual resident in the country. The data for National Population Register was collected in 2010 alongwith the houselisting phase of Census of India 2011. The NRC doesn't source its data from NPR.

Citizenship being a subject of the Union List, policy decisions, guidelines and funds for NRC updation are provided by the Central Government but its implementation is done through the State Government machinery under the guidance of the Registrar General of India who functions as the Registrar General of Citizen Registration.

Q 83] Ans-A

Article 32 (3) of constitution of India provides that Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2). Article 32(2) deals with writ jurisdiction powers. Hence statement 1 is correct.

Writ jurisdiction was borrowed from English law where writs were known as 'prerogative writs'. They are so called in England as they were issued in the exercise of the prerogative of the King who was, and is still, described as the 'fountain of justice'. Later, the high court started issuing these writs as extraordinary remedies to uphold the rights and liberties of the British people. Hence statement 2 is not correct.

Q 84] Ans-D

The framers of the Constitution made the Directive Principles non-justiciable and legally non-enforceable because:

1. The country did not possess sufficient financial resources to implement them.
2. The presence of vast diversity and backwardness in the country would stand in the way of their implementation.
3. The newly born independent Indian State with its many preoccupations might be crushed under the burden unless it was free to decide the order, the time, the place and the mode of fulfilling them.

The Constitution makers, therefore, taking a pragmatic view, refrained from giving teeth to these principles. They believed more in an awakened public opinion rather than in court procedures as the ultimate sanction for the fulfillment of these principles.

Q 85] Ans-B

Mutual Agreement Procedure (MAP) is a procedure which allows the Competent Authorities or designated representatives of the Competent Authorities from the governments of the Contracting States/Parties to interact with the intent to resolve international tax disputes. It was recently in news in the context of settlement of tax dispute between Indian Government & Nokia.

Q 86] Ans-C

Recently, the Global Refugee Forum meeting was held in Geneva, Switzerland. It was the first ever meeting of global refugee forum. Global Refugee Forum is guided by the Global Compact on Refugees.

The compact calls for greater support to refugees and the countries that host them, often among the poorest in the world, and also aims to help refugees become more self-reliant so that they can contribute more to their own future and to that of the host community.

The compact emerged from the New York Declaration for Refugees and Migrants in 2016.

The United Nations General Assembly unanimously adopted the declaration in 2016. It reaffirms the importance of the international refugee regime and contains a wide range of commitments by Member States to strengthen and enhance mechanisms to protect people on the move.

It is part of the United Nations High Commissioner for Refugees (UNHCR).

United Nations High Commissioner for Refugees :-

It is a UN Refugee Agency and a global organization dedicated to saving lives, protecting the rights and building a better future for refugees, forcibly displaced communities and stateless people.

It was created in 1950 to help millions of Europeans who had fled or lost their homes.

It is headquartered at Geneva, Switzerland.

Q 87] Ans-A

Article 131 provides for the original jurisdiction of the Supreme Court in centres-state and inter-state disputes. Supreme Court's jurisdiction under Article 131 to decide a legal controversy between the governments. The decision of supreme court in such matters is binding on government. hence correct answer is a.

Q 88] Ans-B

The chairman and member of state public service commissions are although appointed by Governor, the removal of any of them (chairman or members) will be done by president.

Solicitor General is NOT appointed by President. His appointment is done by Central Government through cabinet committee of appointments.

Q 89] Ans-C

National Disaster Response Fund is defined in Section 46 of the Disaster Management Act, 2005 (DM Act) as a fund managed by the Central Government for meeting the expenses for emergency response, relief and rehabilitation due to any threatening disaster situation or disaster. NDRF is constituted to supplement the funds of the State Disaster Response Funds (SDRF) of the states to facilitate immediate relief in case of calamities of a severe nature.

The July 2015 guidelines states that natural calamities of cyclone, drought, earthquake, fire, flood, tsunami, hailstorm, landslide, avalanche, cloud burst, pest attack and cold wave and frost considered to be of severe nature by Government of India (GoI) and requiring expenditures by a state government in excess of the balances available in its own SDRF will qualify for immediate relief assistance from NDRF.

Currently, a National Calamity Contingency Duty (NCCD) is levied to finance the NDRF and additional budgetary support is provided as and when necessary. A provision also exists in the DM Act to encourage any person or institution to make a contribution to the NDRF. However, this source has not yet been tapped.

NDRF amount can be spent only towards meeting the expenses for emergency response, relief and rehabilitation. For projects exclusively for the purpose of mitigation, i.e, measures aimed at reducing the risk, impact or effect of a disaster or threatening disaster situation a separate fund called National Disaster Mitigation Fund has to be constituted.

NDRF is located in the "Public Accounts" of Government of India under "Reserve Funds not bearing interest"

Department of Agriculture and Cooperation under Ministry of Agriculture (MoA) monitors relief activities for calamities associated with drought, hailstorms, pest attacks and cold wave /frost while rest of the natural calamities are monitored by Ministry of Home Affairs (MHA).

Q 90] Ans-C

The Supreme Court has given different interpretation of the word 'consultation' in the above provision.

1. In the First Judges case (1982), the Court held that consultation does not mean concurrence and it only implies exchange of views.

2. But, in the Second Judges case (1993), the Court reversed its earlier ruling and changed the meaning of the word consultation to concurrence. Hence, it ruled that the advice tendered by the Chief Justice of India is binding on the President in the matters of appointment of the judges of the Supreme Court. But, the Chief Justice would tender his advice on the matter after consulting two of his seniormost colleagues.

3. Similarly, in the Third Judges case² (1998), the Court opined that the consultation process to be adopted by the Chief justice of India requires 'consultation of plurality judges'. The sole opinion of the chief justice of India does not constitute the consultation process. He should consult a collegium of four seniormost judges of the Supreme Court and even if two judges give an adverse opinion, he should not send the recommendation to the government.

The court held that the recommendation made by the chief justice of India without complying with the norms and requirements of the consultation process are not binding on the government.

Q 91] Ans-A

Principle of Natural Justice

The natural justice mainly focuses on the following:

1. *Nemo iudex in causa sua* – No one should be made a judge in his own case, or the rule against bias.
2. *Audi alteram partem* – Hear the other side/party or an opportunity for fair hearing must be given to both sides before passing any order.

Article 14 and 21 of Indian Constitution is the embodiment of natural justice in Indian law

Q 92] Ans-D

The Constitution provides for the abolition or creation of legislative councils in states. Accordingly, the Parliament can abolish a legislative council (where it already exists) or create it (where it does not exist), if the legislative assembly of the concerned state passes a resolution to that effect.

Such a specific resolution must be passed by the state assembly by a special majority, that is, a majority of the total membership of the assembly and a majority of not less than two-thirds of the members of the assembly present and voting.

This Act of Parliament is not to be deemed as an amendment of the Constitution for the purposes of Article 368 and is passed like an ordinary piece of legislation (ie, by simple majority).

Like the Rajya Sabha, the legislative council is a continuing chamber, that is, it is a permanent body and is not subject to dissolution. But, one-third of its members retire on the expiration of every second year. So, a member continues as such for six years.

Q 93] Ans-B

The Financial Action Task Force, also known by its French name, Groupe d'action financière, is an intergovernmental organization founded in 1989 on the initiative of the G7 to develop policies to combat money laundering. In 2001 its mandate expanded to include terrorism financing

Q 94] Ans-B

About Fast Track Courts (FTCs)

They were established in the year 2000, to expeditiously dispose of long pending cases in the Sessions Courts and long pending cases of under trial prisoners in a time bound manner. The 11th Finance Commission recommended the creation of 1734 FTCs in the country. They were to be established by the state governments in consultation with the respective High Courts.

FTCs have also been set up on the orders of various High Courts to accelerate disposal of cases on matters ranging from sexual offences, anti-corruption, riots, and cheque bouncing. The judges for these were appointed on an ad hoc basis, selected by the High Courts of the respective states.

There is no central funding to FTCs after 2011. However, the state governments could establish FTCs from their own funds.

Lok adalat has been given statutory status under the legal services authority act 1987.

Q 95] Ans-C

Central Bureau of Investigation

1. It is the main investigation agency of the central government for cases relating to corruption and major criminal probes.
2. It is not a statutory body.
3. The CBI derives its power from the Delhi Special Police Establishment Act, 1946.
4. The Lokpal Act 2013 prescribed that the CBI director shall be appointed on the recommendation of a committee comprising the Prime Minister, Leader of the Opposition in the Lok Sabha and Chief Justice of India or a judge of the Supreme Court nominated by him.
5. The Central Government can authorize CBI to investigate such crime in a State only with the consent of the concerned State Government. The Supreme Court and High Courts, however, can order CBI to investigate such a crime anywhere in the country without the consent of the State.
6. The CVC is a statutory body and derives its powers from the Central Vigilance Commission Act, 2003. under its purview all the matters of corruption related cases are investigated by CBI.

Q 96] Ans-A**Indra Sawhney and Union of India (1992)**

SC examined the scope and extent of Article 16(4), which provides for the reservation of jobs in favour of backward classes. It upheld the constitutional validity of 27% reservation for the OBCs with certain conditions (like creamy layer exclusion, no reservation in promotion, total reserved quota should not exceed 50%, etc.)

S. R. Bommai case (1994)

In this judgement, the SC tried to curb the blatant misuse of Article 356 (regarding the imposition of President's Rule on states).

I.R Coelho and State of Tamil Nadu 2007

This judgement held that if a law is included in the 9th Schedule of the Indian Constitution, it can still be examined and confronted in court. The 9th Schedule of the Indian Constitution is a list of acts and laws which cannot be challenged in a court of law. The Waman Rao ruling ensured that acts and laws mentioned in the IX schedule till 24 April 1973, shall not be changed or challenged, but any attempt to amend or add more acts to that schedule, will suffer close inspection and examination by the judiciary system.

Puttuswamy and others vs. Union of India

The SC declared the right to privacy as a Fundamental Right protected under the Indian Constitution.

Aruna shanbaug case

The SC ruled that individuals had a right to die with dignity, allowing passive euthanasia with guidelines. The need to reform India's laws on euthanasia was triggered by the tragic case of Aruna Shanbaug who lay in a vegetative state (blind, paralysed and deaf) for 42 years.

Q 97] Ans-B

The Committee constituted under the chairmanship of Sr. Deputy Election Commissioner Sh. Umesh Sinha to review and suggest modifications and changes in the provisions of the Section 126 and other sections of the Representation of the People Act 1951, provisions of Model Code of Conduct

The recommendations made by the Committee, when implemented (after adoption by the ECI with necessary modification or additions), will help in minimizing the possible interference of activities which aim at indirectly influencing voters during the valuable silence period of 48 hours provided to them. The recommendations of the Committee will be considered by the Commission in detail for follow up action.

Q 98] Ans-A

Sovereignty over the Chagos Archipelago is disputed between Mauritius, the Maldives^[1] and the United Kingdom. Mauritius has repeatedly asserted that the Chagos Archipelago is part of its territory and that the United Kingdom (UK) claim is a violation of United Nations resolutions banning the dismemberment of colonial territories before independence. The UK government has stated that it has no doubt about its sovereignty over the Chagos, and has also said that the Chagos will be returned to Mauritius once the islands are no longer required for defence purposes. Given the absence of any progress with the UK, Mauritius and the Maldives has decided to "internationalise" the dispute and take up the matter at all appropriate legal and political forums.

Q 99] Ans-C

Gram Nyayalayas Act, 2008 is an Act of Parliament of India enacted for establishment of Gram Nyayalayas or village courts for speedy and easy access to justice system in the rural areas of India.

the Gram Nyayalayas are presided over by a Nyayadhikari, who will have the same power, enjoy same salary and benefits of a Judicial Magistrate of First Class. Such Nyayadhikari are to be appointed by the State Government in consultation with the respective High Court.

The Gram Nyayalayas have both civil and criminal jurisdiction over the offences and nature of suits specified in the First, Second and Third schedule of the Act. The pecuniary jurisdiction of the Nyayalayas are fixed by the respective High Courts.

Appeals in criminal matter can be made to the Sessions Court in the respective jurisdiction and in civil matters to the District Court within a period of one month from the date of judgment.

Q 100] Ans-C

The Constitution, under Sixth Schedule, contains special provisions for the administration of tribal areas in the four north-eastern states of Assam, Meghalaya, Tripura and Mizoram.

The various features of administration contained in the Sixth Schedule are as follows:

1. The tribal areas in the four states of Assam, Meghalaya, Tripura and Mizoram have been constituted as autonomous districts. But, they do not fall outside the executive authority of the state concerned.
2. The governor is empowered to organise and re-organise the autonomous districts. Thus, he can increase or decrease their areas or change their names or define their boundaries and so on.
3. If there are different tribes in an autonomous district, the governor can divide the district into several autonomous regions.
4. Each autonomous district has a district council consisting of 30 members, of whom four are nominated by the governor and the remaining 26 are elected on the basis of adult franchise. The elected members hold office for a term of five years (unless the council is dissolved earlier) and nominated members hold office during the pleasure of the governor. Each autonomous region also has a separate regional council.
5. The district and regional councils administer the areas under their jurisdiction.

However, Tribal advisory council is formed under schedule 5 for sheduled areas

Tribes Advisory Council: Each state having scheduled areas has to establish a tribes advisory council to advise on welfare and advancement of the scheduled tribes. It is to consist of 20 members, three-fourths of whom are to be the representatives of the scheduled tribes in the state legislative assembly. A similar council can also be established in a state having scheduled tribes but not scheduled areas therein, if the president so directs.