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CIVIL SERVICES ACHIEVERS' POINT

A ONE STOP SOLUTION FOR UPSC/APSC/SSC & BANKING

UPSC CIVIL SERVICES EXAMINATION

PRELIMS SPECIAL

INDIAN POLITY

PREVIOUS YEAR QUESTIONS

CONTENT-

1. HISTORICAL BACKGROUND OF INDIAN CONSTITUTION

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CENTRES: BELTOLA, SILCHAR, KOKRAJHAR, COTTON UNIVERSITY, SONAPUR COLLEGE, MARGHERITA

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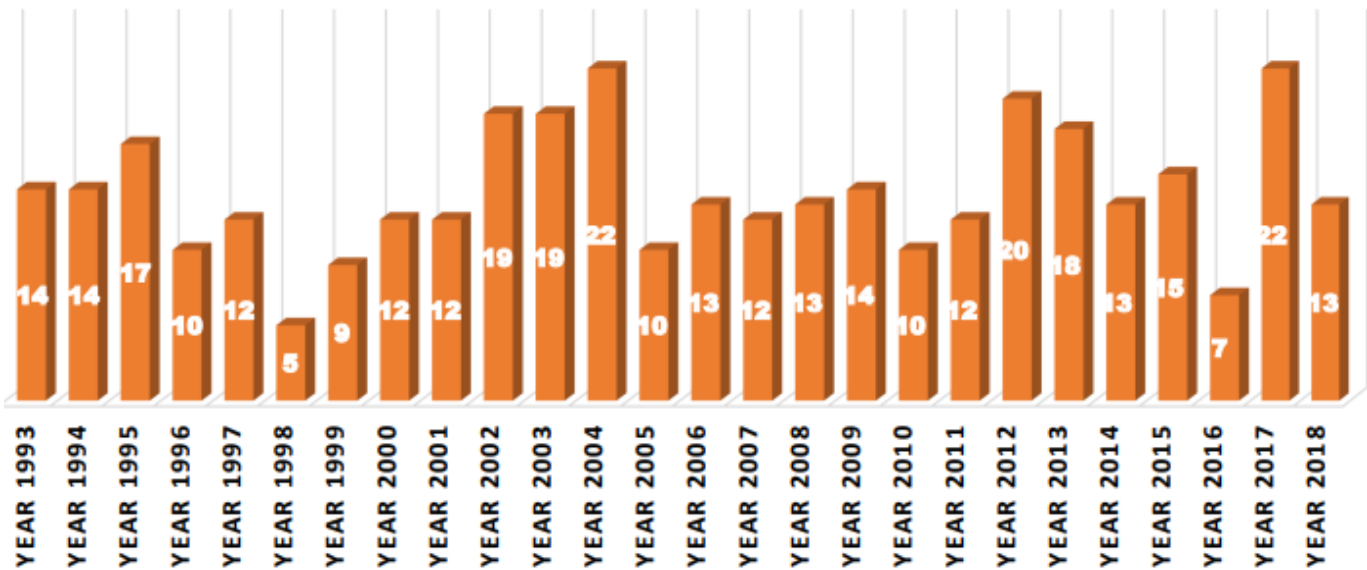
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25 Years' Papers' Insights & Strategy

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Topic wise Analysis of last 25 Years' Polity' Questions

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QUESTION 1

Q. The distribution of powers between the Centre and the States in the Indian

Constitution is based on the scheme provided in the (2012)

- (a) Morley-Minto Reforms, 1909
- (b) Montagu-Chelmsford Act, 1919
- (c) Government of India Act, 1935
- (d) Indian Independence Act, 1947

Answer: C

EXPLANATION

1. Government of India Act, 1935, provided the formula for the distribution of powers between the centre and the states.
2.
 - It Provided for the establishment of an All-India Federation consisting of provinces and princely states as units. It divided the powers between the Centre and units in terms of three lists—Federal List (for Centre, with 59 items), Provincial List (for provinces, with 54 items) and the Concurrent List (for both, with 36 items).
 - Residuary powers were given to the Viceroy. However, the federation never came into being as the princely states did not join it.
3. It abolished dyarchy in the provinces and introduced 'provincial autonomy' in its place.
4. The Act introduced responsible governments in provinces, that is, the governor was required to act with the advice of ministers responsible to the provincial legislature.
5. Extended the principle of communal representation by providing separate electorates for depressed classes (scheduled castes), women and labour (workers).
6. It introduced bicameralism in six out of eleven provinces. Thus, the legislatures of Bengal, Bombay, Madras, Bihar, Assam and the United Provinces were made bicameral consisting of a legislative council (upper house) and a legislative assembly (lower house).

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7. It extended franchise. About 10 per cent of the total population got the voting right.
8. It provided for the establishment of a Federal Court, which was set up in 1937.
9. It provided for the establishment of a Reserve Bank of India to control the currency and credit of the country.
10. It provided for the establishment of not only a Federal Public Service Commission but also a Provincial Public Service Commission and Joint Public Service Commission for two or more provinces.

QUESTION 2

Q. Which one of the following is not a feature of Government of India Act of 1935? (2000)

- (a) Diarchy at the Centre as well as in the Provinces
- (b) A bicameral legislature
- (c) Provincial autonomy
- (d) An All-India Federation

Answer: A

QUESTION 3

Q. In the context of Indian history, the principle of 'Dyarchy (diarchy)' refers to (2017)

- (a) Division of the central legislature into two houses.
- (b) Introduction of double government i.e., Central and State governments.
- (c) Having two sets of rulers; one in London and another in Delhi.
- (d) Division of the subjects delegated to the provinces into two categories.

Answer: D



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EXPLANATION

1. Dyarchy, also spelled diarchy, a system of double government introduced by the Government of India Act, 1919 for the provinces of British India.
2. The Government of India Act of 1919 was thus enacted, which came into force in 1921. This Act is also known as Montagu-Chelmsford Reforms (Montagu was the Secretary of State for India and Lord Chelmsford was the Viceroy of India).
3. It relaxed the central control over the provinces by demarcating and separating the central and provincial subjects.
4.
 - It further divided the provincial subjects into two parts—transferred and reserved. The transferred subjects were to be administered by the governor with the aid of ministers responsible to the legislative Council.
 - The reserved subjects, on the other hand, were to be administered by the governor and his executive council without being responsible to the legislative Council.
 - This dual scheme of governance was known as ‘dyarchy’—a term derived from the Greek word di-arche which means double rule.
5. It introduced, for the first time, bicameralism and direct elections in the country. [Upper House (Council of State) and a Lower House (Legislative Assembly)].
6. It required that the three of the six members of the Viceroy’s executive Council (other than the commander-in-chief) were to be Indian.
7. It granted franchise to a limited number of people on the basis of property, tax or education.
8. It extended the principle of communal representation by providing separate electorates for Sikhs, Indian Christians, Anglo-Indians and Europeans.
9. It created a new office of the High Commissioner for India in London and transferred to him some of the functions hitherto performed by the Secretary of State for India.
10. It separated, for the first time, provincial budgets from the Central budget and authorised the provincial legislatures to enact their budgets.



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QUESTION 4

Q. In the Interim Government formed in 1946, the Vice-President of the Executive Council was (1995)

- (a) Jawaharlal Nehru
- (b) Dr. S Radhakrishnan
- (c) C. Rajagopalachari
- (d) Dr. Rajendra Prasad

Answer: A

EXPLANATION

1. The Interim Government of India, formed on 9th December 1946 from the newly elected Constituent Assembly of India, had the task of assisting the transition of British India to independence.
2. It remained in place until 15 August 1947, the date of the independence (and partition) of India.
3. The Viceroy's Executive Council became the executive branch of the interim government. Originally headed by the Viceroy of India, it was transformed into a council of ministers, with the powers of a prime minister bestowed on the vice-president of the Council, a position held by the Congress leader Jawaharlal Nehru.
4. The senior Congress leader Vallabhbhai Patel held the second-most powerful position in the Council, heading the Department of Home Affairs, Department of Information and Broadcasting.

QUESTION 5

Q. Who among the following was the chairman of the Union Constitution Committee of the Constituent Assembly? (2005)

- (a) Dr BR Ambedkar *Leadership through knowledge...*
- (b) JB Kripalani
- (c) Pt Jawaharlal Nehru

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(d) Alladi Krishnaswami Ayyar

Answer: C

EXPLANATION

1. The Constituent Assembly appointed a number of committees to deal with different tasks of constitution-making. Out of these, eight were major committees and the others were minor committees.

Name of Major Committees	Chairman of the Committee
Union Powers Committee	Jawaharlal Nehru
Union Constitution Committee	Jawaharlal Nehru
Provincial Constitution Committee	Sardar Patel
Drafting Committee	Dr. B.R. Ambedkar
Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas	Sardar Patel
Rules of Procedure Committee	Dr. Rajendra Prasad
States Committee (Committee for Negotiating with States)	Jawaharlal Nehru
Steering Committee	Dr. Rajendra Prasad

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2. SALIENT FEATURE OF THE CONSTITUTION

QUESTION 1

Q. Which one of the following Schedules of the Constitution of India contains provisions regarding Anti-defection Act? (1998)

- (a) Second Schedule
- (b) Fifth Schedule
- (c) Eight Schedule
- (d) Tenth Schedule

Answer: D

EXPLANATION

1. Originally (1949), the Constitution contained a Preamble, 395 Articles (divided into 22 Parts) and 8 Schedules. Presently (2018), it consists of a Preamble, about 465 Articles (divided into 25 Parts) and 12 Schedules.
2. Tenth Schedules (Article 102(2) and 191(2)) contains provisions as to disqualification on ground of defection. It was introduced by 52nd Amendment Act, 1985.

What is the anti-defection law?

1. The anti-defection law sought to prevent such political defections which may be due to reward of office or other similar considerations.
2. The Tenth Schedule was inserted in the Constitution in 1985. It lays down the process by which legislators may be disqualified on grounds of defection by the Presiding Officer of a legislature based on a petition by any other member of the House. Decision of the Presiding Officer is subject to judicial review.
3. A legislator is deemed to have defected if he either voluntarily gives up the membership of his party or disobeys the directives of the party leadership on a vote.



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4. This implies that a legislator defying (abstaining or voting against) the party whip on any issue can lose his membership of the House. The law applies to both Parliament and state assemblies.

Are there any exceptions under the law?

1. Yes, legislators may change their party without the risk of disqualification in certain circumstances.
 - The law allows a party to merge with or into another party provided that at least two-thirds of its legislators are in favour of the merger.
 - In such a scenario, neither the members who decide to merge, nor the ones who stay with the original party will face disqualification.
 - If the member has taken prior permission, or is condoned by the party within 15 days from such voting or abstention, the member shall not be disqualification.
2. Various expert committees have recommended that rather than the Presiding Officer, the decision to disqualify a member should be made by the President (in case of MPs) or the Governor (in case of MLAs) on the advice of the Election Commission. This would be similar to the process followed for disqualification in case the person holds an office of profit.

QUESTION 2

Q. Which one of the following Schedules of the Constitution of India contains provisions regarding Anti-defection Act? (2014)

- (a) Second Schedule
- (b) Fifth Schedule
- (c) Eight Schedule
- (d) Tenth Schedule

Answer: D

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QUESTION 3

Q. Which one of the following statements correctly describes the Fourth Schedule of the Constitution of India? (2001 & 2004)

- (a) It lists the distribution of powers between the union and the states
- (b) It contains the languages listed in the Constitution
- (c) It contains the provisions relating to the administration of tribal areas
- (d) It allocates seats in the Council of States

Answer: D

EXPLANATION

1. Fourth Schedule allocates seats in the Council of States (Rajya Sabha).
2. Article 80 of the Constitution lays down the maximum strength of Rajya Sabha as 250, out of which 12 members are nominated by the President and 238 are representatives of the States and of the two Union Territories.
3. The allocation of seats is made on the basis of the population of each State. Consequent on the reorganization of States and formation of new States, the number of elected seats in the Rajya Sabha allotted to States and Union Territories has changed from time to time since 1952.

QUESTION 4

Q. If a new state of the Indian Union is to be created which one of the following schedules of Constitution must be amended? (2001)

- (a) First
- (b) Second
- (c) Third
- (d) Fifth



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Answer: A

EXPLANATION

1. First Schedule comprises States and UTs, hence it must be amended if a new state/UT is created.
2. According to Article 1, the territory of India can be classified into three categories:
 1. Territories of the states
 2. Union territories
 3. Territories that may be acquired by the Government of India at any time.

The names of states and union territories and their territorial extent are mentioned in the first schedule of the Constitution. At present, there are 29 states and 7 union territories.

3. 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.

QUESTION 5

Q. Which one of the following schedules of the Indian Constitution lists the names of states and specifies their territories? (2003)

- (a) First
- (b) Second
- (c) Third
- (d) Fourth

Answer: A

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QUESTION 6

Q. Match List I with List II and select the correct answer (2003)

List I (Items in the Indian Constitution)	List II (Country from which it was derived)
A. Directive Principle of State Policy	1. Australia
B. Fundamental Rights	2. Canada
C. Concurrent List in Union-State Relations	3. Ireland
D. India as a Union of States with greater power to the Union	4. United Kingdom
	5. United States of America

Codes:

A B C D

(a) 5 4 1 2

(b) 5 4 2 1

(c) 3 4 2 1

(d) 3 5 1 2

Answer: D

EXPLANATION

1. One of the features of India Constitution: Drawn From Various Sources

- 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'.



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2.

- 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.

Sources	Features Borrowed
Government of India Act of 1935	Federal Scheme, Office of governor, Judiciary, Public Service Commissions, Emergency provisions and administrative details.
British Constitution	Parliamentary government, Rule of Law, legislative procedure, single citizenship, cabinet system, prerogative writs, parliamentary privileges and bicameralism.
US Constitution	Fundamental rights , independence of judiciary, judicial review, impeachment of the president, removal of Supreme Court and high court judges and post of vice-president.
Irish Constitution	Directive Principles of State Policy , nomination of members to Rajya Sabha and method of election of president.
Canadian Constitution	Federation with a strong Centre , vesting of residuary powers in the Centre, appointment of state governors by the Centre, and advisory jurisdiction of the Supreme Court.
Australian Constitution	Concurrent List , freedom of trade, commerce and inter-course, and joint sitting of the two Houses of Parliament.
Soviet Constitution (USSR, now Russia)	Fundamental duties and the ideal of justice (social, economic and political) in the Preamble.

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QUESTION 7

Q. Consider the following statements

1. The Constitution of India has 40 parts.
2. There are 390 Articles in the Constitution of India in all.
3. Ninth, Tenth, Eleventh and Twelfth Schedules were added to the Constitution of India by Constitution (Amendment) Acts.

Which of the statement(s) given above is/are correct? (2005)

- (a) 1 and 2
- (b) Only 2
- (c) Only 3
- (d) 1, 2 and 3

Answer: C

EXPLANATION

1. Longest Written Constitution
2. The Constitution of India is the longest of all the written constitutions of the world. Originally (1949), the Constitution contained a Preamble, 395 Articles (divided into 22 Parts) and 8 Schedules. Presently (2018), it consists of a Preamble, about 465 Articles (divided into 25 Parts) and 12 Schedules.

Four factors have contributed to the elephantine size of our Constitution.

- Geographical factors, that is, the vastness of the country and its diversity.
- Historical factors, e.g., the influence of the Government of India Act of 1935, which was bulky.
- Single Constitution for both the Centre and the states except Jammu and Kashmir



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- Dominance of legal luminaries in the Constituent Assembly.
- 2. 9th Schedule was added by the 1st Amendment (1951) to protect the laws included in it from judicial scrutiny on the ground of violation of fundamental rights. However, in 2007, the Supreme Court ruled that the laws included in this schedule after April 24, 1973, are now open to judicial review.
- 3. 11th & 12th schedules were added by the 73rd & 74th Amendment respectively in 1992.
 - 11th schedule specifies the powers, authority and responsibilities of Panchayats and it has 29 matters.
 - 12th Schedule specifies the powers, authority and responsibilities of Municipalities and it has 18 matters.

QUESTION 8

Q. Under which one of the following Constitution Amendment Act, four language were added to the languages under the Eighth Schedule of the Constitution of India, thereby raising their number to 22? (2008)

- (a) Constitution (Ninetieth Amendment) Act
- (b) Constitution (Ninety-first Amendment) Act
- (c) Constitution (Ninety-second Amendment) Act
- (d) Constitution (Ninety-third Amendment) Act

Answer: C

EXPLANATION

1. 8th Schedule contains languages recognized by the Constitution. Originally, it had 14 languages but presently there are 22 languages. They are: Assamese, Bengali, Bodo, Dogri (Dongri), Gujarati, Hindi, Kannada, Kashmiri, Konkani, Mathili (Maithili), Malayalam, Manipuri, Marathi, Nepali, Oriya, Punjabi, Sanskrit, Santhali, Sindhi, Tamil, Telugu and Urdu.



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2. Sindhi was added by the 21st Amendment Act of 1967; Konkani, Manipuri and Nepali were added by the 71st Amendment Act of 1992; and Bodo, Dongri, Maithili and Santhali were added by the 92nd Amendment Act of 2003.
3. In 2004, the Government of India declared that languages that met certain requirements could be accorded the status of a "Classical Language in India". The following criteria were laid down to determine the eligibility of languages to be considered for classification as a "Classical Language":
 - High antiquity of its early texts/recorded history over a period of 1500-2000 years
 - A body of ancient literature/texts, which is considered a valuable heritage by generations of speakers
 - The literary tradition be original and not borrowed from another speech community
 - The classical language and literature being distinct from modern, there may also be a discontinuity between the classical language and its later forms or its offshoots.
4.
 - Tamil was the first Classical Language of India. The government declared Tamil (in 2004), Sanskrit (in 2005).
 - These two languages are undoubtedly parental sources for many languages belonging to the Indo-European family and the Dravidian family of linguistic groups.
 - Later the government declared Kannada and Telugu (in 2008) as classical languages of India. In 2013, Malayalam was also given status of classical language. In 2014, Odiya was also given the status of Classical language.
 - With this the following six languages are included in the list of Classical Languages:
 - Tamil (since 2004)
 - Sanskrit (since 2005)
 - Telugu (since 2008)
 - Kannada (Since 2008)
 - Malayalam (since 2013)
 - Odiya (since 2014)

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3. PREAMBLE OF THE CONSTITUTION

QUESTION 1

Q. In the following quotation:

“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 X, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION”.

“X” stands for (1997)

- (a) twenty-sixth day of January, 1950
- (b) twenty-sixth day of November, 1949
- (c) twenty-sixth day of January, 1949
- (d) None of the above

Answer: B

EXPLANATION

The Preamble reveals four ingredients or components:

1. Source of authority of the Constitution: The Preamble states that the Constitution derives its authority from the people of India.
2. Nature of Indian State: It declares India to be of a sovereign, socialist, secular democratic and republican polity. *Leadership through knowledge...*
3. Objectives of the Constitution: It specifies justice, liberty, equality and fraternity as the objectives.
4. Date of adoption of the Constitution: It stipulates November 26, 1949 as the date.



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5. Sovereign: The word 'sovereign' implies that India is neither a dependency nor a dominion of any other nation, but an independent state.
 - Though in 1949, India declared the continuation of her full membership of the Commonwealth of Nations and accepted the British Crown as the head of the Commonwealth, this extra-constitutional declaration does not affect India's sovereignty in any manner.
 - Being a sovereign state, India can either acquire a foreign territory or cede a part of its territory in favour of a foreign state.
6. Socialist: The term 'Socialist' was added by the 42nd Amendment in 1976, but the Constitution had a socialist content in the form of certain Directive Principles of State Policy.
 - Indian brand of socialism is a 'democratic socialism' and not a 'communistic socialism' (also known as 'state socialism'). Democratic socialism, holds faith in a 'mixed economy' where both public and private sectors coexist side by side.
 - As the Supreme Court says, 'Democratic socialism aims to end poverty, ignorance, disease and inequality of opportunity. Indian socialism is a blend of Marxism and Gandhism, leaning heavily towards Gandhian socialism.
7. Secular: The term 'secular' too was added by the 42nd Constitutional Amendment Act of 1976.
 - However, as the Supreme Court said in 1974, although the words 'secular state' were not expressly mentioned in the Constitution, there can be no doubt that Constitution-makers wanted to establish such a state and accordingly Articles 25 to 28 (guaranteeing the fundamental right to freedom of religion) have been included in the constitution.
 - The Indian Constitution embodies the positive concept of secularism i.e., all religions in our country (irrespective of their strength) have the same status and support from the state.

QUESTION 2

Q. The mind of the makers of the Constitution of India is reflected in which of the following? (2017)

- (a) The Preamble
- (b) The Fundamental Rights
- (c) The Directive Principles of State Policy

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(d) The Fundamental Duties

Answer: A

EXPLANATION

1. The Preamble embodies the basic philosophy and fundamental values—political, moral and religious —on which the Constitution is based. It contains the grand and noble vision of the Constituent Assembly, and reflects the dreams and aspirations of the founding fathers of the Constitution.
2. In the words of Sir Alladi Krishnaswami Iyer, a member of the Constituent Assembly who played a significant role in making the Constitution, 'The Preamble to our Constitution expresses what we had thought or dreamt so long'.
3. According to K M Munshi, a member of the Drafting Committee of the Constituent Assembly, the Preamble is the 'horoscope of our sovereign democratic republic'.
4. M Hidayatullah, a former Chief Justice of India, observed, 'Preamble resembles the Declaration of Independence of the United States of America, but is more than a declaration. It is the soul of our Constitution, which lays down the pattern of our political society. It contains a solemn resolve, which nothing but a revolution can alter.

QUESTION 3

Q. Which one of the following objectives is not embodied in the Preamble to the Constitution of India?(2017)

- (a) Liberty of thought
- (b) Economic liberty
- (c) Liberty of expression
- (d) Liberty of belief

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Answer: B

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CIVIL SERVICES ACHIEVERS' POINT

A ONE STOP SOLUTION FOR UPSC/APSC/SSC & BANKING

“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”.

EXPLANATION

1. The term ‘liberty’ means the absence of restraints on the activities of individuals, and at the same time, providing opportunities for the development of individual personalities. The Preamble secures to all citizens of India liberty of thought, expression, belief, faith and worship, through their Fundamental Rights, enforceable in court of law, in case of violation.
2. Liberty as elaborated in the Preamble is very essential for the successful functioning of the Indian democratic system. However, liberty does not mean ‘license’ to do what one likes, and has to be enjoyed within the limitations mentioned in the Constitution itself. In brief, the liberty conceived by the Preamble or fundamental rights is not absolute but qualified.
3. The ideals of liberty, equality and fraternity in our Preamble have been taken from the French Revolution (1789–1799).

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QUESTION 4

Q. Which one of the following reflects the most appropriate relationship between law and liberty? (2018)

- (a) If there are more laws, there is less liberty.
- (b) If there are no laws, there is no liberty.
- (c) If there is liberty, laws have to be made by the people.
- (d) If laws are changed too often, liberty is in danger.

Answer: B

Preamble as part of the Constitution

1. In the Kesavananda Bharati case (1973), the Supreme Court held that Preamble is a part of the Constitution. It observed that the Preamble is of extreme importance and the Constitution should be read and interpreted in the light of the grand and noble vision expressed in the Preamble. In the LIC of India case (1995) also, the Supreme Court again held that the Preamble is an integral part of the Constitution.
2. Two things should be noted:
 1. The Preamble is neither a source of power to legislature nor a prohibition upon the powers of legislature.
 2. It is non-justiciable, that is, its provisions are not enforceable in courts of law.

AMENDABILITY OF THE PREAMBLE

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 Court 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.



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4. FUNDAMENTAL RIGHTS (PART I)

QUESTION 1

Q. Prohibition of discrimination on groups of religion etc. (Article 15 of the Constitution of India) is a Fundamental Right classifiable under (1995)

- (a) The Right to freedom of Religion
- (b) The Right against Exploitation
- (c) The Cultural and Educational Rights
- (d) The Right to Equality

Answer: D

EXPLANATION

1. The Fundamental Rights are mentioned in Part III of the Constitution from Articles 12 to 35. Part III of the Constitution is rightly described as the Magna Carta of India.
2. The Fundamental Rights are guaranteed by the Constitution to all persons without any discrimination. They uphold the equality of all individuals, the dignity of the individual, the larger public interest and unity of the nation.
3. 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.
4. The Constitution provided for six Fundamental Rights:
 - Right to equality (Article 14-18)
 - Right to Freedom (Article 19-22)
 - Right against exploitation (Article 23-24)
 - Right to freedom of religion (Article 25-28)
 - Cultural and educational rights (Article 29-30)
 - Right to constitutional remedies (Article 32)
 - Equality before law and equal protection of laws (Article 14).



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- 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).
 - Abolition of untouchability and prohibition of its practice (Article 17).
 - Abolition of titles except military and academic (Article 18).
6. Article 15 provides that the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth.
- The second provision of Article 15 says that no citizen shall be subjected to any disability, liability, restriction or condition on grounds only of religion, race, caste, sex, or place of birth with regard to
- access to shops, public restaurants, hotels and places of public entertainment; or
 - the use of wells, tanks, bathing ghats, road and places of public resort maintained wholly or partly by State funds or dedicated to the use of general public.

QUESTION 2

Q. In the Indian Constitution, the Right to Equality is granted by five Articles. They are (2002)

- (a) Article 16 to Article 20
- (b) Article 15 to Article 19
- (c) Article 14 to Article 18
- (d) Article 13 to Article 17

Answer: C

QUESTION 3

Q. Match List I (Articles of the Constitution of India) with List II (Provision) and select the correct answer using the codes given below the lists (2004).



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List I (Article of constitution)	List II (Provision)
A. Article 14	1. The State shall not discriminate against any citizen on ground only on religion, race, caste, sex place of birth or any of term.
B. Article 15	2. The State shall not deny to any person equality before the law or the equal protection of laws within the territory of India.
C. Article 16	3. Untouchability is abolished and its practice in any or is forbidden.
D. Article 17	4. There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state

Codes:

A B C D

(a) 2 4 1 3

(b) 3 1 4 2

(c) 2 1 4 3

(d) 3 4 1 2

Answer: C

EXPLANATION

1. Equality before Law and Equal Protection of Laws

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. The word 'person' includes legal persons, viz, statutory corporations, companies, registered societies or any other type of legal person. 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.

Article 15 provides that the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth.



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The second provision of Article 15 says that no citizen shall be subjected to any disability, liability, restriction or condition on grounds only of religion, race, caste, sex, or place of birth with regard to

- access to shops, public restaurants, hotels and places of public entertainment; or
- the use of wells, tanks, bathing ghats, road and places of public resort maintained wholly or partly by State funds or dedicated to the use of general public.

2. Equality of Opportunity in Public Employment

Article 16 provides for equality of opportunity for all citizens in matters of employment or appointment to any office under the State. No citizen can be discriminated against or be ineligible for any employment or office under the State on grounds of only religion, race, caste, sex, descent, place of birth or residence.

There are three exceptions to this general rule of equality of opportunity in public employment:

- Parliament can prescribe residence as a condition for certain employment or appointment in a state or union territory or local authority or other authority. As the Public Employment (Requirement as to Residence) Act of 1957 expired in 1974, there is no such provision for any state except Andhra Pradesh.
- The State can provide for reservation of appointments or posts in favour of any backward class that is not adequately represented in the state services.
- A law can provide that the incumbent of an office related to religious or denominational institution or a member of its governing body should belong to the particular religion or denomination.

3. Abolition of Untouchability

Article 17 abolishes 'untouchability' and forbids its practice in any form. The enforcement of any disability arising out of untouchability shall be an offence punishable in accordance with law. In 1976, the Untouchability (Offences) Act, 1955 has been comprehensively amended and renamed as the Protection of Civil Rights Act, 1955 to enlarge the scope and make penal provisions more stringent.

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QUESTION 4

Q. A British Citizen staying in India cannot claim Right to: (1999)

- (a) Freedom of trade and profession
- (b) Equality before the Law
- (c) Protection of life and personal liberty
- (d) Freedom of Religion

Answer: A

EXPLANATION

1. Some of the Fundamental Rights are available only to the citizens while others are available to all persons whether citizens, foreigners or legal persons like corporations or companies.

2. Fundamental Rights available only to citizens and not to foreigners

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).

Protection of six rights regarding freedom of : (Article 19)

- speech and expression
- Assembly
- Association
- Movement
- Residence
- Profession

Protection of language, script and culture of minorities (Article 29).

Right of minorities to establish and administer educational institutions (Article 30).

3. Rest of the fundamental rights under Articles 14, 20, 21, 21A, 22, 23, 24, 25, 26, 27 and 28 are available to both citizens and foreigners (except enemy aliens).



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QUESTION 5

Q. Which of the following are envisaged by the Right against Exploitation in the Constitution of India? (2017)

1. Prohibition of traffic in human beings and forced labour
2. Abolition of untouchability
3. Protection of the interests of minorities
4. Prohibition of employment of children in factories and mines

Select the correct answer using the code given below:

- (a) 1, 2 and 4 only
- (b) 2, 3 and 4 only
- (c) 1 and 4 only
- (d) 1, 2, 3 and 4

Answer: C

EXPLANATION

1. Article 23 prohibits traffic in human beings, begar (forced labour) and other similar forms of forced labour. Any contravention of this provision shall be an offence punishable in accordance with law. This right is available to both citizens and non-citizens. It protects the individual not only against the State but also against private persons.
2. Article 23 also provides for an exception to this provision. It permits the State to impose compulsory service for public purposes, as for example, military service or social service, for which it is not bound to pay. However, in imposing such service, the State is not permitted to make any discrimination on grounds only of religion, race, caste or class.
3. Article 24 prohibits the employment of children below the age of 14 years in any factory, mine or other hazardous activities like construction work or railway. But it does not prohibit their

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employment in any harmless or innocent work. The Child Labour (Prohibition and Regulation) Act, 1986, is the most important law in this direction.

The Child Labour (Prohibition and Regulation) Amendment Act, 2016, amended the Child Labour (Prohibition and Regulation) Act, 1986. It has renamed the Principal Act as the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.

The amendment Act prohibits the employment of children below 14 years in all occupations and processes. Earlier this prohibition was applicable to 18 occupations and 65 processes.



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5. FUNDAMENTAL RIGHTS (PART II)

QUESTION 6

Q. Which Article of the Constitution of India says, "No child below the age of 14 years shall be the employed to work in any factory or mine or engaged in any other hazardous employment?" (2004)

- (a) Article 24
- (b) Article 45
- (c) Article 330
- (d) Article 368

Answer: A

QUESTION 7

Q. Right to Privacy is protected as an intrinsic part of Right to Life and Personal Liberty. Which of the following in the Constitution of India correctly and appropriately imply the above statement? (2018)

- (a) Article 14 and the provisions under the 42nd Amendment to the Constitution
- (b) Article 17 and the Directive Principles of State Policy in Part IV
- (c) Article 21 and the freedoms guaranteed in Part III
- (d) Article 24 and the provisions under the 44th Amendment to the Constitution

Answer: C

EXPLANATION

1. Protection of Life and Personal Liberty



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- Article 21 declares that no person shall be deprived of his life or personal liberty except according to procedure established by law. This right is available to both citizens and non-citizens.
 - The protection under Article 21 should be available not only against arbitrary executive action but also against arbitrary legislative action.
 - The court held that the 'right to life' as embodied in Article 21 is not merely confined to animal existence or survival but it includes within its ambit the right to live with human dignity and all those aspects of life which go to make a man's life meaningful, complete and worth living.
2. It also ruled that the expression 'Personal Liberty' in Article 21 is of the widest amplitude and it covers a variety of rights that go to constitute the personal liberties of a man.
Right to live with human dignity. Right to livelihood. Right to privacy. Right to shelter. Right to health. Right to free legal aid. Right to travel abroad. Right against bonded labour. Right against custodial harassment. Right to emergency medical aid.

QUESTION 8

Q. Which one of the following statements is correct? (2017)

- (a) Rights are claims of the State against the citizens.
- (b) Rights are privileges which are incorporated in the Constitution of a State.
- (c) Rights are claims of the citizens against the State.
- (d) Rights are privileges of a few citizens against the many.

Answer: C

EXPLANATION

- Leadership through knowledge...*
1. The Fundamental Rights are guaranteed by the Constitution to all persons without any discrimination. They uphold the equality of all individuals, the dignity of the individual, the larger public interest and unity of the nation.



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2. 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.
3. They operate as limitations on the tyranny of the executive and arbitrary laws of the legislature. In short, they aim at establishing 'a government of laws and not of men'. The Fundamental Rights are named so because they are guaranteed and protected by the Constitution, which is the fundamental law of the land.

QUESTION 9

Which of the following are regarded as the main features of the "Rule of Law"? (2018)

1. Limitation of Powers
2. Equality before law
3. People's responsibility to the Government
4. Liberty and civil rights

Select the correct answer using the code given below:

- (a) 1 and 3 only
- (b) 2 and 4 only
- (c) 1, 2 and 4 only
- (d) 1, 2, 3 and 4

Answer: C

EXPLANATION

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1. The concept of 'equality before law' is an element of the concept of 'Rule of Law', propounded by A.V. Dicey, the British jurist. His concept has the following three elements or aspects:
 - Absence of arbitrary power, that is, no man can be punished except for a breach of law.



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- Equality before the law, that is, equal subjection of all citizens (rich or poor, high or low, official or non-official) to the ordinary law of the land administered by the ordinary law Courts.
 - The primacy of the rights of the individual, that is, the constitution is the result of the rights of the individual as defined and enforced by the courts of law rather than the constitution being the source of the individual rights.
2. The first and the second elements are applicable to the Indian System and not the third one. In the Indian System, the constitution is the source of the individual rights.
- 3.
- No member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or any committee thereof (Article 105).
 - No member of the Legislature of a state shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any committee thereof (Article 194).
 - The foreign sovereigns (rulers), ambassadors and diplomats enjoy immunity from criminal and civil proceedings.
 - The UNO and its agencies enjoy the diplomatic immunity.

QUESTION 10

Q. One of the implications of equality in society is the absence of (2017)

- (a) Privileges
- (b) Restraints
- (c) Competition
- (d) Ideology

Answer: A

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QUESTION 11

Q. The Constitution of India recognises (1999)

- (a) Only religious minorities
- (b) Only linguistic minorities
- (c) Religious and linguistic minorities
- (d) Religious, linguistic and ethnic minorities

Answer: C

EXPLANATION

1. Article 30 grants the following rights to minorities, whether religious or linguistic:

- All minorities shall have the right to establish and administer educational institutions of their choice.
- The compensation amount fixed by the State for the compulsory acquisition of any property of a minority educational institution shall not restrict or abrogate the right guaranteed to them. This provision was added by the 44th Amendment Act of 1978 to protect the right of minorities in this regard. The Act deleted the right to property as a Fundamental Right (Article 31).
- In granting aid, the State shall not discriminate against any educational institution managed by a minority.

Thus, the protection under Article 30 is confined only to minorities (religious or linguistic) and does not extend to any section of citizens. However, the term 'minority' has not been defined anywhere in the Constitution.

2. Minority educational institutions are of three types:

- Institutions that seek recognition as well as aid from the State;
- Institutions that seek only recognition from the State and not aid; and
- Institutions that neither seek recognition nor aid from the State.



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The institutions of first and second type are subject to the regulatory power of the state with regard to syllabus prescription, academic standards, discipline, sanitation, employment of teaching staff and so on. The institutions of third type are free to administer their affairs but subject to operation of general laws like contract law, labour law, industrial law, tax law, economic regulations, and so on.

QUESTION 12

Q. Assertion (A) The word minority is not defined in the Constitution of India.

Reason (R) The Minorities Commission is not a constitutional body.

In Context of the above two statements, which one of the following is correct? (1996)

- (a) Both A & R are true and R is the correct explanation of A
- (b) Both A & R are true and R is not the correct explanation of A
- (c) A is true but R is false
- (d) A is false but R is true.

Answer: B

QUESTION 13

Q. The Ninth Schedule to the Indian Constitution was added by (2003)

- (a) First Amendment
- (b) Eight Amendment
- (c) Ninth Amendment
- (d) Forty Second Amendment

Answer: A



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EXPLANATION

1. The Ninth Schedule was added to the Constitution by the first amendment in 1951 along with Article 31-B with a view to provide a 'protective umbrella' to land reforms laws to save them from being challenged in courts on the ground of violation of fundamental rights. The SC upheld the validity of Article 31-B and Parliament's power to place a particular law in the Ninth Schedule.
2. The Supreme Court has said that laws placed in the Ninth Schedule are open to judicial scrutiny and that such laws do not enjoy a blanket protection. Laws placed in the Ninth Schedule after the Keshwanand Bharti Judgment on April 24, 1973, when it propounded the "basic structure" doctrine, were open to challenge.

QUESTION 14

Consider the following statements: (2018)

1. The Parliament of India can place a particular law in the Ninth Schedule of the Constitution of India.
2. The validity of a law placed in the Ninth Schedule cannot be examined by any court and no judgement can be made on it.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Answer: A

QUESTION 15

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Q. Match List I (Articles of the Constitution of India) with List II (Provision) and select the correct answer using the codes given below the lists (2002)

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List I (Article of constitution)	List II (Provision)
A. Article 16(2)	1. No person shall be deprived of his property save by the authority of law.
B. Article 29(2)	2. No person can be discriminated against in the matter of public appointment on the ground of race, religion or caste.
C. Article 30(1)	3. All minorities whether based on religion or language shall have the right to establish and administer educational institutions of their choice.
D. Article 31(1)	4. No citizen shall be denied admission into any educational institution maintained by the State or receiving state aid, on grounds of religion, race, caste, language or any of them.

Codes:

A B C D

(a) 2 4 3 1

(b) 3 1 2 4

(c) 2 1 3 4

(d) 3 4 2 1

Answer: A

EXPLANATION

- Article 29 provides that any section of the citizens residing in any part of India having a distinct language, script or culture of its own, shall have the right to conserve the same.
- Further, no citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, or language.

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6. DIRECTIVE PRINCIPLES OF STATE POLICY- PART 1

QUESTION 1

Q. The purpose of the inclusion of Directive Principle of State Policy in the Indian Constitution is to establish (2002)

- (a) Political Democracy
- (b) Social Democracy
- (c) Gandhian Democracy
- (d) Social and Economic Democracy

Answer: D

EXPLANATION

1. The Directive Principles of State Policy are enumerated in Part IV of the Constitution from Articles 36 to 51 .
 - The framers of the Constitution borrowed this idea from the Irish Constitution of 1937, which had copied it from the Spanish Constitution. Dr B R Ambedkar described these principles as 'novel features' of the Indian Constitution.
 - The Directive Principles along with the Fundamental Rights contain the philosophy of the Constitution and is the soul of the Constitution.
2. The phrase 'Directive Principles of State Policy' denotes the ideals that the State should keep in mind while formulating policies and enacting laws. These are the constitutional instructions or recommendations to the State in legislative, executive and administrative matters.
3. The Directive Principles constitute a very comprehensive economic, social and political programme for a modern democratic State. They aim at realising the high ideals of justice, liberty, equality and fraternity as outlined in the Preamble to the Constitution. They embody the concept of a 'welfare state' and not that of a 'police state', which existed during the colonial era. In brief, they seek to establish economic and social democracy in the country.



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QUESTION 2

Q. 'Economic Justice' as one of the objectives of the Indian Constitution has been provided in (2013)

- (a) the Preamble and the Fundamental Rights
- (b) the Preamble and the Directive Principles of State Policy
- (c) the Fundamental Rights and the Directive Rights and the Directive Principles of State Policy
- (d) None of the above

Answer: B

QUESTION 3

Q. According to the Constitution of India, which of the following are fundamental for the governance of the country? (2013)

- (a) Fundamental Rights
- (b) Fundamental Duties
- (c) Directive Principles of State Policy
- (d) Fundamental Rights and Fundamental Duties

Answer: C

QUESTION 4

Q The ideal of 'Welfare State' in the Indian Constitution is enshrined in its (2015)

- (a) Preamble
- (b) Directive Principles of State Policy
- (c) Fundamental Rights



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(d) Seventh Schedule

Answer: B

QUESTION 5

Q. Consider the following statements

1. There is no provision in the Constitution of India to encourage equal pay for equal work for both men and women.
2. The Constitution of India does not define backward classes.

Which of the statement(s) given above is/are correct? (2006)

- (a) Only 1
- (b) Only 2
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Answer: B

EXPLANATION

1.
 - The Constitution does not contain any classification of Directive Principles. However, on the basis of their content and direction, they can be classified into three broad categories, viz, socialistic, Gandhian and liberal-intellectual.
 - Socialistic Principles reflect the ideology of socialism. They lay down the framework of a democratic socialist state, aim at providing social and economic justice, and set the path towards welfare state.



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2. Socialist Principles direct states:

- 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
 - The right to adequate means of livelihood for all citizens;
 - The equitable distribution of material resources of the community for the common good;
 - Prevention of concentration of wealth and means of production;
 - Equal pay for equal work for men and women;
 - Preservation of the health and strength of workers and children against forcible abuse; and
 - 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).

QUESTION 6

Q. With reference to the Constitution of India, consider the following

1. Fundamental Rights
2. Fundamental Duties
3. Directive Principles of State Policy

Which of the above provisions of the Constitution of India is/are fulfilled by the National Social Assistance Programme launched by the Government of India? (2010)

- (a) 1 only
- (b) 3 only



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(c) 1 and 3 only

(d) 1, 2 and 3

Answer: C

QUESTION 7

Q. Which of the following is/are included in the Directive Principles of State Policy?

1. Prohibition of traffic in human beings and forced labour.
2. Prohibition of consumption except for medicinal purposes of intoxicating drinks and of other drugs which are injurious to health.

Select the correct answer using the code given below: (2008)

- (a) Only 1
- (b) Only 2
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Answer: B

EXPLANATION

1. Gandhian Principles are based on Gandhian ideology. They represent the programme of reconstruction enunciated by Gandhi during the national movement. In order to fulfil the dreams of Gandhi, some of his ideas were included as Directive Principles.
2. Gandhian Principles require the state:
 - To organise village panchayats and endow them with necessary powers and authority to enable them to function as units of self-government (Article 40).



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- To promote cottage industries on an individual or co-operation basis in rural areas (Article 43).
- To promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies (Article 43B).
- 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 (Article 46).
- To prohibit the consumption of intoxicating drinks and drugs which are injurious to health (Article 47).
- To prohibit the slaughter of cows, calves and other milch and draught cattle and to improve their breeds (Article 48).

QUESTION 8

Q. Consider the following provisions under the Directive Principles of State Policy as enshrined in the Constitution of India

1. Securing for citizens of India a uniform civil code
2. Organizing village Panchayats
3. Promoting cottage industries in rural areas
4. Securing for all the workers reasonable leisure and cultural opportunities

Which of the above are the Gandhian Principles that are reflected in the Directive Principles of State Policy? (2012)

- (a) 1, 2 and 4 only
(b) 2 and 3 only
(c) 1, 3 and 4 only
(d) 1, 2, 3 and 4

Answer: B



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7. DIRECTIVE PRINCIPLES OF STATE POLICY – PART 2

QUESTION 9

Q. Which of the following Articles of the Directive Principles of State Policy deals with the promotion of International peace and security? (2002)

- (a) Article 51
- (b) Article 48A
- (c) Article 43A
- (d) Article 41

Answer: A

EXPLANATION

1. The Constitution does not contain any classification of Directive Principles. However, on the basis of their content and direction, they can be classified into three broad categories, viz, socialistic, Gandhian and liberal-intellectual.
2. The Liberal-Intellectual Principles represent the ideology of liberalism. They direct the state:
 - To secure for all citizens a uniform civil code throughout the country (Article 44).
 - To provide early childhood care and education for all children until they complete the age of six years (Article 45).
 - To organise agriculture and animal husbandry on modern and scientific lines (Article 48).
 - To protect and improve the environment and to safeguard forests and wild life (Article 48A).
 - To protect monuments, places and objects of artistic or historic interest which are declared to be of national importance (Article 49).
 - To separate the judiciary from the executive in the public services of the State (Article 50).
 - To promote international peace and security and maintain just and honourable relations between nations; to foster respect for international law and treaty obligations, and to encourage settlement of international disputes by arbitration (Article 51).



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QUESTION 10

Q. In the Constitution of India, promotion of international peace and security is included in the (2014)

- (a) Preamble to the constitution
- (b) Directive Principles of State Policy
- (c) Fundamental Duties
- (d) Ninth Schedule

Answer: B

QUESTION 11

Q. The 'Instrument of Instructions' contained in the Government of India Act 1935 have been incorporated in the Constitution of India in the year 1950 as (2010)

- (a) Fundamental Rights
- (b) Directive Principles of State Policy
- (c) Extent of executive power of State
- (d) Conduct of business of the Government of India

Answer: B

EXPLANATION

1. The Directive Principles resemble the 'Instrument of Instructions' enumerated in the Government of India Act of 1935.

In the words of Dr B R Ambedkar, 'the Directive Principles are like the instrument of instructions, which were issued to the Governor-General and to the Governors of the colonies of India by the British Government under the Government of India Act of 1935. What is called Directive



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Principles is merely another name for the instrument of instructions. The only difference is that they are instructions to the legislature and the executive'.

QUESTION 12

Q. Which principle among the following was added to the Directive Principles of State Policy by the 42nd Amendment to the Constitution? (2017)

- (a) Equal pay for equal work for both men and women
- (b) Participation of workers in the management of industries
- (c) Right to work, education and public assistance
- (d) Securing living wage and human conditions of work to workers

Answer: B

EXPLANATION

1. 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).
2.
 - The 44th Amendment Act of 1978 added one more Directive Principle, which requires the State to minimize 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.



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- 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).

QUESTION 13

Q. Consider the following statements with reference to the Constitution of India, the Directive Principles of State Policy constitute limitations upon

1. legislative function
2. executive function.

Which of the above statements is/are correct? (2017)

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Answer: D

EXPLANATION

1. The phrase 'Directive Principles of State Policy' denotes the ideals that the State should keep in mind while formulating policies and enacting laws. These are the constitutional instructions or recommendations to the State in legislative, executive and administrative matters.
2.
 - 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.

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- 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.

QUESTION 14

Q. Which of the following provisions of the Constitution of India have a bearing on Education? (2012)

1. Directive Principles of State Policy
2. Rural and Urban Local Bodies
3. Fifth Schedule
4. Sixth Schedule
5. Seventh Schedule

Select the correct answer using the codes given below :

- (a) 1 and 2 only
- (b) 3, 4 and 5 only
- (c) 1, 2 and 5 only
- (d) 1, 2, 3, 4 and 5

Answer: D

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8. FUNDAMENTAL DUTIES

QUESTION 1

Q. In the context of India, which one of the following is the correct relationship between Rights and Duties? (2017)

- (a) Rights are correlative with Duties.
- (b) Rights are personal and hence independent of society and Duties.
- (c) Rights, not Duties, are important for the advancement of the personality of the citizen.
- (d) Duties, not Rights, are important for the stability of the State.

Answer: A

EXPLANATION

1. Though the rights and duties of the citizens are correlative and inseparable, the original constitution contained only the fundamental rights and not the fundamental duties. In other words, the framers of the Constitution did not feel it necessary to incorporate the fundamental duties of the citizens in the Constitution. They incorporated the duties of the State in the Constitution in the form of Directive Principles of State Polity.
2. In 1976, the fundamental duties of citizens were added in the Constitution in the form of Article 51A (Part IVA) by 42nd Constitutional Amendment Act. In 2002, one more Fundamental Duty was added.
3.
 - The Fundamental Duties in the Indian Constitution are inspired by the Constitution of erstwhile USSR.
 - Notably, none of the Constitutions of major democratic countries like USA, Canada, France, Germany, Australia and so on specifically contain a list of duties of citizens. Japanese Constitution is, perhaps, the only democratic Constitution in world which contains a list of duties of citizens.



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- The socialist countries, on the contrary, gave equal importance to the fundamental rights and duties of their citizens. Hence, the Constitution of erstwhile USSR declared that the citizen's exercise of their rights and freedoms was inseparable from the performance of their duties and obligations.

QUESTION 2

Q. Which of the following statements is/are true of the Fundamental Duties of an Indian citizen?(2017)

1. A legislative process has been provided to enforce these duties.
2. They are correlative to legal duties.

Select the correct answer using the code given below:

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Answer: D

EXPLANATION

1. As of now there are 11 Fundamental Duties. Citizens are morally obligated by the constitution to perform these duties. They serve as reminder to the citizens that while enjoying their rights, they should also be conscious of duties they owe to their country, their society and to their fellow citizens.
2. They serve as a source of inspiration for the citizens and promote a sense of discipline and commitment among them. They create a feeling that the citizens are not mere spectators but active participants in the realisation of national goals.

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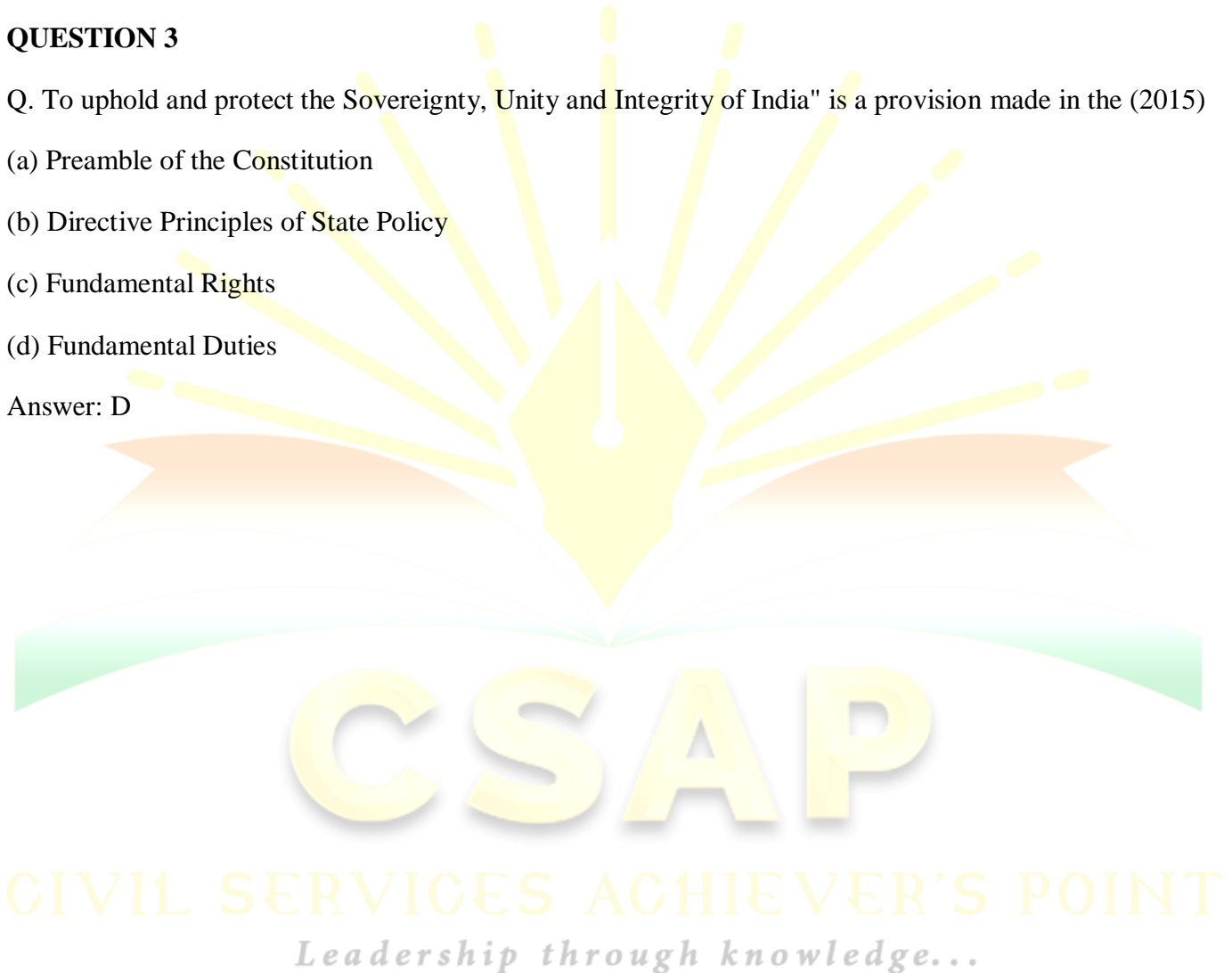
3. However, like the Directive Principles, these are non-justiciable, without any legal sanction in case of their violation or non-compliance. They are only enforceable by law. Hence, the Parliament can provide for the imposition of appropriate penalty or punishment for failure to fulfil any of them.

QUESTION 3

Q. To uphold and protect the Sovereignty, Unity and Integrity of India" is a provision made in the (2015)

- (a) Preamble of the Constitution
- (b) Directive Principles of State Policy
- (c) Fundamental Rights
- (d) Fundamental Duties

Answer: D



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FUNDAMENTAL DUTIES

The Constitution of India

Article 51A

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 which inspired our 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 ; to renounce practices derogatory to the dignity of women ;
- to value and preserve the rich heritage of our composite culture ;
- to protect and improve the natural environment including forests, lakes, rivers, wild life and to have compassion for living creatures ;
- to develop the 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 ;

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.

QUESTION 4

Q. Which of the following is/are among the Fundamental Duties of citizens laid down in the Indian Constitution?(2012)

1. To preserve the rich heritage of our composite culture

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2. To protect the weaker sections from social injustice
3. To develop the scientific temper and spirit of inquiry
4. To strive towards excellence in all spheres of individual and collective activity

Select the correct answer using the codes given below :

- (a) 1 and 2 only
- (b) 2 only
- (c) 1, 3 and 4 only
- (d) 1, 2, 3 and 4

Answer: C

QUESTION 5

Q. Under the constitution of India, which one of the following is not a fundamental duty?(2011)

- (a) To vote in public elections
- (b) To develop the scientific temper
- (c) To safeguard public property
- (d) To abide by the Constitution and respect its ideals.

Answer: A

QUESTION 6

Q. Consider the following statements:

No one can be compelled to sing the National Anthem since (1996)

1. It will be violative of the Right to Freedom of speech and expression



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2. It will be violative of the Right to Freedom of conscience, practise and propagation of religion

3. There is no legal provision obliging any one to sing the National Anthem

- (a) 1 and 2 are correct
- (b) 2 and 3 are correct
- (c) 1, 2 and 3 are correct
- (d) None is correct

Answer: C

EXPLANATION

1. The Section 3 of the Prevention of insults to National Honour Act, 1971 states that whoever intentionally prevents the singing of the Jana Gana Mana or cause disturbances to any assembly engaged in such singing shall be punished with imprisonment for a term, which may extent to 3 years, or with fine or with both. The act does not compel anyone to sing the National Anthem.
2. On August 11, 1986, the Supreme Court overruled the High Court of Kerela in the case of Bijoe Emmanuel vs. State of Kerela and opined that the right to free speech and expression also includes the right to remain silent. The Apex Court stated that compelling each and every pupil to join in the singing of the National Anthem despite his genuine conscientious religious objection would clearly contravene the rights guaranteed by Article 19(1)(a) and Article 25(1) of the Indian constitution.

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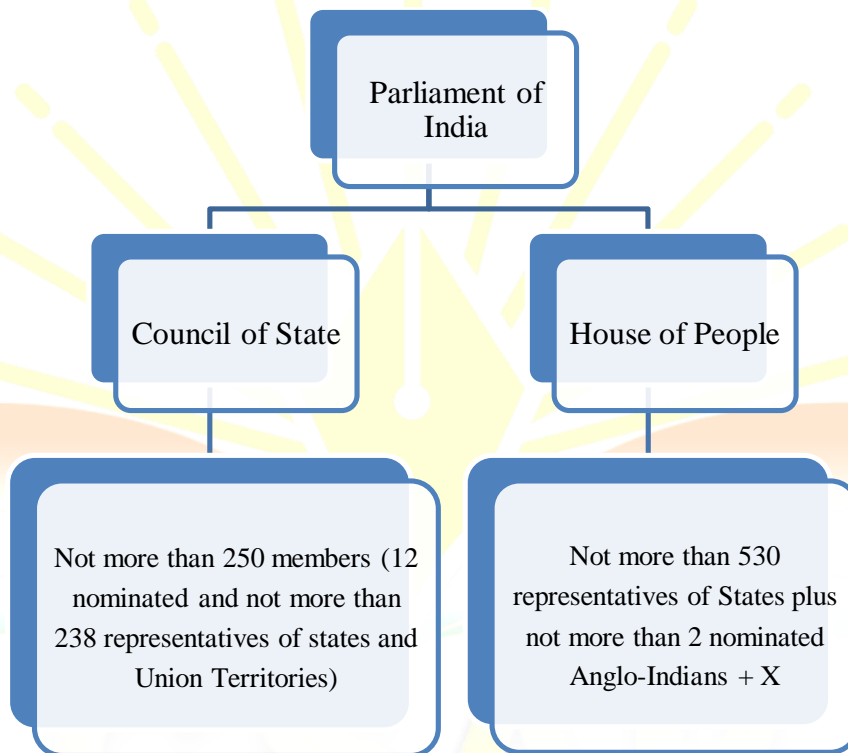
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9. PARLIAMENT (PART I)

QUESTION 1

Q. Consider the table given below:



Which one of the following will fit in the place marked 'X'? (1995)

- (a) Minister who are not Members of Parliament but who have to get themselves elected to either House of Parliament within six months after assuming office.
- (b) Not more than 20 nominated members.
- (c) Not more than 20 representatives of Union Territories.



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(d) The Attorney General who has the right of speak and take part in the proceedings of either House of Parliament.

Answer: C

EXPLANATION

1. The Parliament is the legislative organ of the Union government. It occupies a pre-eminent and central position in the Indian democratic political system due to adoption of the parliamentary form of government, also known as 'Westminster' model of government.

Articles 79 to 122 in Part V of the Constitution deal with the organisation, composition, duration, officers, procedures, privileges, powers and so on of the Parliament.

2.

- The Constitution, the Parliament of India consists of three parts viz, the President, the Council of States and the House of the People. In 1954, the Hindi names 'Rajya Sabha' and 'Lok Sabha' were adopted by the Council of States and the House of People respectively.
- The Rajya Sabha is the Upper House (Second Chamber or House of Elders) and the Lok Sabha is the Lower House (First Chamber or Popular House). The former represents the states and union territories of the Indian Union, while the latter represents the people of India as a whole.

3.

- The maximum strength of the Rajya Sabha is fixed at 250, out of which, 238 are to be the representatives of the states and union territories (elected indirectly) and 12 are nominated by the president.
- At present, the Rajya Sabha has 245 members. Of these, 229 members represent the states, 4 members represent the union territories and 12 members are nominated by the president.
- The Fourth Schedule of the Constitution deals with the allocation of seats in the Rajya Sabha to the states and union territories.

4. **Composition of Lok Sabha**

- The maximum strength of the Lok Sabha is fixed at 552. Out of this, 530 members are to be the representatives of the states, 20 members are to be the representatives of the union



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territories and 2 members are to be nominated by the president from the Anglo-Indian community.

- At present, the Lok Sabha has 545 members. Of these, 530 members represent the states, 13 members represent the union territories and 2 Anglo-Indian members are nominated by the President.

QUESTION 2

Q. Which of the following are/is stated in the Constitution of India?

- The President shall not be a member of either House of Parliament.
- The Parliament shall consist of the President and two Houses.

Select the correct answer using the code given below: (1997)

- (a) Neither 1 nor 2
- (b) Both 1 and 2
- (c) Only 1
- (d) Only 2

Answer: B

EXPLANATION

- President of India is not a member of either House of Parliament and does not sit in the Parliament to attend its meetings, he is an integral part of the Parliament. This is because a bill passed by both the Houses of Parliament cannot become law without the President's assent.
- He also performs certain functions relating to the proceedings of the Parliament, for example, he summons and prorogues both the Houses, dissolves the Lok Sabha, addresses both the Houses, issues ordinances when they are not in session, and so on.



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QUESTION 3

Q. For election to the Lok Sabha, a nomination paper can be filed by (2017)

- (a) anyone residing in India.
- (b) a resident of the constituency from which the election is to be contested.
- (c) any citizen of India whose name appears in the electoral roll of a constituency.
- (d) any citizen of India.

Answer: C

EXPLANATION

1. The Constitution lays down the following qualifications for a person to be chosen a member of the Parliament:
 - He must be a citizen of India.
 - He must make and subscribe to an oath or affirmation before the person authorised by the election commission for this purpose. In his oath or affirmation, he swears
 - To bear true faith and allegiance to the Constitution of India
 - To uphold the sovereignty and integrity of India
 - He must be not less than 30 years of age in the case of the Rajya Sabha and not less than 25 years of age in the case of the Lok Sabha.
 - He must possess other qualifications prescribed by Parliament.
2. The Parliament has laid down the following additional qualifications in the Representation of People Act (1951).
 - He must be registered as an elector for a parliamentary constituency. This is same in the case of both, the Rajya Sabha and the Lok Sabha. The requirement that a candidate contesting an election to the Rajya Sabha from a particular state should be an elector in that particular state was dispensed with in 2003. In 2006, the Supreme Court upheld the constitutional validity of this change.



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- He must be a member of a scheduled caste or scheduled tribe in any state or union territory, if he wants to contest a seat reserved for them. However, a member of scheduled castes or scheduled tribes can also contest a seat not reserved for them.

QUESTION 4

Q. The term of the Lok Sabha (2002)

- (a) Cannot be extended under any circumstances
- (b) Can be extended by six month at a time
- (c) Can be extended by one year at a time during the proclamation of emergency
- (d) Can be extended for two years at a time during the proclamation of emergency

Answer: C

EXPLANATION

1.

- The Lok Sabha is not a continuing chamber. Its normal term is five years from the date of its first meeting after the general elections, after which it automatically dissolves.
- However, the President is authorised to dissolve the Lok Sabha at any time even before the completion of five years and this cannot be challenged in a court of law.
- Further, the term of the Lok Sabha can be extended during the period of national emergency by a law of Parliament for one year at a time for any length of time. However, this extension cannot continue beyond a period of six months after the emergency has ceased to operate.

2.

- The Rajya Sabha (first constituted in 1952) is a continuing chamber, that is, it is a permanent body and not subject to dissolution. However, one-third of its members retire every second year. Their seats are filled up by fresh elections and presidential nominations at the beginning of every third year.



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- The retiring members are eligible for re-election and renomination any number of times.
- The Constitution has not fixed the term of office of members of the Rajya Sabha and left it to the Parliament.

Accordingly, the Parliament in the Representation of the People Act (1951) provided that the term of office of a member of the Rajya Sabha shall be six years.

QUESTION 5

Regarding the office of the Lok Sabha Speaker, consider the following statements: (2012)

- 1.He/She holds the office during the pleasure of the President.
- 2.He/She need not be a member of the House at the time of his/her election but has to become a member of the House within six months from the date of his/her election.
- 3.If he/she intends to resign, the letter of his/her resignation has to be addressed to the Deputy Speaker.

Which of the statements given above is /are correct?

- (a) 1 and 2 only
- (b) 3 only
- (c) 1, 2 and 3
- (d) None

Answer: B

EXPLANATION

1. The Speaker is elected by the Lok Sabha from amongst its members (as soon as may be, after its first sitting). Whenever the office of the Speaker falls vacant, the Lok Sabha elects another member to fill the vacancy. The date of election of the Speaker is fixed by the President. Usually, the Speaker remains in office during the life of the Lok Sabha. However, he has to vacate his office earlier in any of the following three cases:

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1. if he ceases to be a member of the Lok Sabha;
 2. if he resigns by writing to the Deputy Speaker; and
 3. if he is removed by a resolution passed by a majority of all the members of the Lok Sabha. Such a resolution can be moved only after giving 14 days' advance notice.
2. As the office of the Speaker is vested with great prestige, position and authority, independence and impartiality
 3. becomes its sine qua non
 4. The following provisions ensure the independence and impartiality of the office of the Speaker:
 5.
 - He is provided with a security of tenure. He can be removed only by a resolution passed by the Lok Sabha by an absolute majority (ie, a majority of the total members of the House) and not by an ordinary majority (ie, a majority of the members present and voting in the House). This motion of removal can be considered and discussed only when it has the support of at least 50 members.
 - His salaries and allowances are fixed by Parliament. They are charged on the Consolidated Fund of India and thus are not subject to the annual vote of Parliament.
 - His work and conduct cannot be discussed and criticised in the Lok Sabha except on substantive motion.
 - His powers of regulating procedure or conducting business or maintaining order in the House are not subject to the jurisdiction of any Court.
 - He cannot vote in the first instance. He can only exercise a casting vote in the event of a tie. This makes the position of Speaker impartial.
 - He is given a very high position in the order of precedence. He is placed at seventh rank, along with the Chief Justice of India. This means, he has a higher rank than all cabinet ministers, except the Prime Minister or Deputy Prime Minister.

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10. PARLIAMENT (PART 2)

QUESTION 1

Q. The speaker can ask a member of the house to stop speaking and let another member speak. This phenomenon is known as (2000)

- (a) Decorum
- (b) Crossing the Floor
- (c) Interpellation
- (d) Yielding the Floor

Answer: D

EXPLANATION

1. The speaker can stop a member of Parliament from speaking and let another member speak. This phenomenon is known as yielding the floor.
2. Decorum as content of parliamentary affairs means adhering to basic rule and principles that govern the conduct of debate and business in the house.
3. Crossing the floor means voting against the party line or changing side to another party after being elected to the first party.
4. Interpellation is the process of asking a government executive to explain an act or policy. It sometimes may lead to vote of no-confidence or change in government.

5. **Summoning**

The president from time to time summons each House of Parliament to meet. But, the maximum gap between two sessions of Parliament cannot be more than six months. In other words, the Parliament should meet at least twice a year. There are usually three sessions in a year, viz,

- The Budget Session (February to May);
- The Monsoon Session (July to September); and
- The Winter Session (November to December).



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A 'session' of Parliament is the period spanning between the first sitting of a House and its prorogation (or dissolution in the case of the Lok Sabha).

- During a session, the House meets everyday to transact business.
- The period spanning between the prorogation of a House and its reassembly in a new session is called 'recess'.

6. Adjournment

- A session of Parliament consists of many meetings. Each meeting of a day consists of two sittings, that is, a morning sitting from 11 am to 1 pm and post-lunch sitting from 2 pm to 6 pm.
- 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.

7. 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.

8. Quorum

- Quorum is the minimum number of members required to be present in the House before it can transact any business. It is one-tenth of the total number of members in each House including the presiding officer.
- It means that there must be at least 55 members present in the Lok Sabha and 25 members present in the Rajya Sabha, if any business is to be conducted.
- If there is no quorum during a meeting of the House, it is the duty of the presiding officer either to adjourn the House or to suspend the meeting until there is a quorum.

9. Adjournment Sine Die

- 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.



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- 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.

QUESTION 2

Q. Which of the following statements is/are correct?(2016)

1. A Bill pending in the Lok Sabha lapses on its prorogation.
2. A Bill pending in the Rajya Sabha, which has not been passed by the Lok Sabha, shall not lapse on dissolution of the Lok Sabha.

Select the correct answer using the code given below.

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Answer: B

EXPLANATION

1. Rajya Sabha, being a permanent House, is not subject to dissolution. Only the Lok Sabha is subject to dissolution.

Unlike a prorogation, a dissolution ends the very life of the existing house, and a new House is constituted after general elections are held. The dissolution of the Lok Sabha may take place in either of two ways:

- Automatic dissolution, that is, on the expiry of its tenure of five years or the terms as extended during a national emergency; or



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- Whenever the President decides to dissolve the House, which he is authorised to do. Once the Lok Sabha is dissolved before the completion of its normal tenure, the dissolution is irrevocable.
2. When the Lok Sabha is dissolved, all business including bills, motions, resolutions, notices, petitions and so on pending before it or its committees lapse. They (to be pursued further) must be reintroduced in the newly-constituted Lok Sabha.
 3. Some pending bills and all pending assurances that are to be examined by the Committee on Government Assurances do not lapse on the dissolution of the Lok Sabha. The position with respect to lapsing of bills is as follows:
 - A bill pending in the Lok Sabha lapses (whether originating in the Lok Sabha or transmitted to it by the Rajya Sabha).
 - A bill passed by the Lok Sabha but pending in the Rajya Sabha lapses.
 - A bill not passed by the two Houses due to disagreement and if the president has notified the holding of a joint sitting before the dissolution of Lok Sabha, does not lapse.
 - A bill pending in the Rajya Sabha but not passed by the Lok Sabha does not lapse.
 - A bill passed by both Houses but pending assent of the president does not lapse.
 - A bill passed by both Houses but returned by the president for reconsideration of Houses does not lapse.

QUESTION 3

Q. With reference to the Parliament of India, consider the following statements: (2017)

1. A private member's bill is a bill presented by a Member of Parliament who is not elected but only nominated by the President of India.
2. Recently, a private member's bill has been passed in the Parliament of India for the first time in its history.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only



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(c) Both 1 and 2

(d) Neither 1 nor 2

Answer: D

EXPLANATION

1. A bill is a proposal for legislation and it becomes an act or law when duly enacted. Bills introduced in the Parliament are of two kinds: public bills and private bills (also known as government bills and private members' bills respectively).

Public Bill	Private Bill
It is introduced in the Parliament by a minister.	It is introduced by any member of Parliament other than a minister.
It reflects of the policies of the government (ruling party).	It reflects the stand of opposition party on public matter.
It has greater chance to be approved by the Parliament.	It has lesser chance to be approved by the Parliament.
Its rejection by the House amounts to the expression of want of parliamentary confidence in the government and may lead to its resignation.	Its rejection by the House has no implication on the parliamentary confidence in the government or its resignation.
Its introduction in the House requires seven days' notice.	Its introduction in the House requires one month's notice.
It is drafted by the concerned department in consultation with the law department.	Its drafting is the responsibility of the member concerned.

QUESTION 4

Q. When a bill is referred to a joint sitting of both the Houses of the Parliament, it has to be passed by (2015)

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- (a) a simple majority of members present and voting
- (b) three-fourths majority of members present and voting



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(c) two-thirds majority of the Houses

(d) absolute majority of the Houses

Answer: A

EXPLANATION

1. There are two occasions on which the joint sitting of both the Houses of Parliament is convened:
 - Special Address by the President at the commencement of the first session after each general election to the House of the people and to commencement of the first session of each year, the President shall address both the Houses of Parliament assembled together.
 - For resolving any deadlock over the passage of a bill (Article 108).
2. There are three situations which can lead to a deadlock between two Houses of Parliament:
 - If the bill is rejected by the other House.
 - If the House have finally disagreed as to the amendments to be made in the Bill.
 - If more than six months have elapsed from the date of receipt of the Bill by the other House without the Bill being passed by it.

In above three situations, the President can summon both the Houses to meet in a joint sitting for the purpose of deliberating and voting on the Bill. The provision of joint sitting are applicable to Ordinary Bills or Financial Bills only, 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. The Bill in such sitting is passed by a simple majority i.e. more than 50% of the Members of the Parliament present and voting.

QUESTION 5

Q. A deadlock between the Lok Sabha and the Rajya Sabha calls for a joint sitting of the Parliament during the passage of (2012)

1. Ordinary Legislation
2. Money Bill



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3. Constitution Amendment Bill

Select the correct answer using the codes given below :

- (a) 1 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

Answer: A

QUESTION 6

Q. Who among the following have the right to vote in the election to both the Lok Sabha and the Rajya Sabha? (1995)

- (a) Elected members of the Lower House of the Parliament.
- (b) Elected members of the Upper House of the Parliament.
- (c) Elected members of the Upper House of the State Legislature.
- (d) Elected members of the Lower House of the State Legislature.

Answer: D

EXPLANATION

1. According to Article 80 of the Indian Constitution, representatives of each state in the Rajya Sabha shall be elected by the elected members of the Legislative Assembly of the state in accordance with the system of proportional representation by means of the single transferable vote. The seats are allotted to the states in the Rajya Sabha on the basis of population.
2. The representatives of states in the Lok Sabha are directly elected by the people from the territorial constituencies in the states. The election is based on the principle of universal adult franchise.

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Every Indian citizen who is above 18 years of age and who is not disqualified under the provisions of the Constitution or any law is eligible to vote at such election. The voting age was reduced from 21 to 18 years by the 61st Constitutional Amendment Act, 1988.



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11. PARLIAMENT (PART 3)

QUESTION 1

Q. Consider the following statements (2013)

1. The Chairman and the Deputy Chairman of the Rajya Sabha are not the members of that House.
2. While the nominated members of the two Houses of the Parliament have no voting right in the presidential election, they have the right to vote in the election of the Vice President.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Answer: B

EXPLANATION

1.
 - The presiding officer of the Rajya Sabha is known as the Chairman. The vice-president of India is the ex-officio Chairman of the Rajya Sabha. During any period when the Vice-President acts as President or discharges the functions of the President, he does not perform the duties of the office of the Chairman of Rajya Sabha.
 - The Chairman of the Rajya Sabha can be removed from his office only if he is removed from the office of the Vice-President.

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2. Unlike the Speaker (who is a member of the House), the Chairman is not a member of the House. But like the Speaker, the Chairman also cannot vote in the first instance. He too can cast a vote in the case of an equality of votes.
3.
 - The Deputy Chairman is elected by the Rajya Sabha itself from amongst its members. The Deputy Chairman performs the duties of the Chairman's office when it is vacant or when the Vice-President acts as President or discharges the functions of the President. He also acts as the Chairman when the latter is absent from the sitting of the House. In both the cases, he has all the powers of the Chairman.
 - It should be emphasised here that the Deputy Chairman is not subordinate to the Chairman. He is directly responsible to the Rajya Sabha.
4. The Vice-President is elected by an electoral college consisting of members of both Houses of Parliament, in accordance with the system of proportional representation by means of the single transferable vote and the voting in such election is by secret ballot. The Electoral College to elect a person to the office of the Vice-President consists of all members of both Houses of Parliament.

QUESTION 2

Q. Which of the following special powers have been conferred on the Rajya Sabha by the Constitution of India? (2012)

- a) To change the existing territory of a State and to change the name of a State
- b) To pass a resolution empowering the Parliament to make laws in the State List and to create one or more All India Services
- c) To amend the election procedure of the President and to determine the pension of the President after his/her retirement
- d) To determine the functions of the Election Commission and to determine the number of Election Commissioners

Answer: B

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EXPLANATION

Due to its federal character, the Rajya Sabha has been given two exclusive or special powers that are not enjoyed by the Lok Sabha:

- It can authorise the Parliament to make a law on a subject enumerated in the State List (Article 249).
- It can authorise the Parliament to create new All-India Services common to both the Centre and states (Article 312).

QUESTION 3

Q. The Parliament of India exercises control over the functions of the Council of Ministers through (2017)

1. Adjournment motion
2. Questions hour
3. Supplementary questions

Select the correct answer using the code given below:

- (a) 1 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

Answer: D

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EXPLANATION

1. Question Hour

The first hour of every parliamentary sitting is slotted for this. During this time, the members ask questions and the ministers usually give answers. The questions are of three kinds, namely, starred, unstarred and short notice.

- A starred question (distinguished by an asterisk) requires an oral answer and hence supplementary questions can follow. (Green)
- An unstarred question, on the other hand, requires a written answer and hence, supplementary questions cannot follow. (White)
- A short notice question is one that is asked by giving a notice of less than ten days. It is answered orally. (Light Pink)
- In addition to the ministers, the questions can also be asked to the private members. (Yellow)

2. Zero Hour

- Unlike the question hour, the zero hour is not mentioned in the Rules of Procedure. Thus it is an informal device available to the members of the Parliament to raise matters without any prior notice.
- The zero hour starts immediately after the question hour and lasts until the agenda for the day (ie, regular business of the House) is taken up. In other words, the time gap between the question hour and the agenda is known as zero hour. It is an Indian innovation in the field of parliamentary procedures and has been in existence since 1962.

3. Adjournment Motion

- It is introduced in the Parliament to draw attention of the House to a definite matter of urgent public importance, and needs the support of 50 members to be admitted. As it interrupts the normal business of the House, it is regarded as an extraordinary device.
- It involves an element of censure against the government and hence Rajya Sabha is not permitted to make use of this device. The discussion on an adjournment motion should last for not less than two hours and thirty minutes.

4. The right to move a motion for an adjournment of the business of the House is subject to the following restrictions:



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1. It should raise a matter which is definite, factual, urgent and of public importance;
2. It should not cover more than one matter;
3. It should be restricted to a specific matter of recent occurrence and should not be framed in general terms;
4. It should not raise a question of privilege;
5. It should not revive discussion on a matter that has been discussed in the same session;
6. It should not deal with any matter that is under adjudication by court; and
7. It should not raise any question that can be raised on a distinct motion.

QUESTION 4

Q. In the Parliament of India, the purpose of an adjournment motion is (2012)

- (a) to allow a discussion on a definite matter of urgent public importance
- (b) to let opposition members collect information from the ministers
- (c) to allow a reduction of specific amount in demand for grant
- (d) to postpone the proceedings to check the inappropriate or violent behaviour on the part of some members

Answer: A

QUESTION 5

Q. Which one of the following statements is not correct? (2004)

- (a) In Lok Sabha, a No-Confidence motion has to set out the grounds on which it is based
- (b) In the case of a No-Confidence motion in Lok Sabha, no condition of admissibility have been laid down in the rules
- (c) A motion of no-confidence once admitted, has to be taken up within ten days of the leave being granted
- (d) Rajya Sabha is not empowered to entertain a motion of No-Confidence

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Answer: A

EXPLANATION

1. No-Confidence Motion

Article 75 of the Constitution says that the council of ministers shall be collectively responsible to the Lok Sabha. It means that the ministry stays in office so long as it enjoys confidence of the majority of the members of the Lok Sabha.

In other words, the Lok Sabha can remove the ministry from office by passing a no-confidence motion. The motion needs the support of 50 members to be admitted.

2.

- Article 118 of the Constitution permits each House of Parliament to make its own rules for conduct of business. Rule 198 of Lok Sabha specifies the procedure for a motion of No-Confidence.
- Any member may give a written notice, the speaker shall read the motion of No-Confidence in the house and ask all those person to rise who favour that the motion be taken up. If there are 50 MPs in favour, the speaker allots a date for discussing the motion.
- A motion of No-Confidence need not set out on which it is based. Even when grounds are mentioned in the notice and read out in the house, they do not form part of the No-Confidence motion.

Censure Motion	No-Confidence Motion
It should state the reasons for its adoption in the Lok Sabha.	It need not state the reasons for its adoption in the Lok Sabha.
It can be moved against an individual minister or a group of ministers or the entire council of ministers.	It can be moved against the entire council of ministers only.
It is moved for censuring the council of ministers for specific policies and actions.	It is moved for ascertaining the confidence of Lok Sabha in the council of ministers.
If it is passed in the Lok Sabha, the council of ministers need not resign from the office.	If it is passed in the Lok Sabha, the council of ministers must resign from office.

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QUESTION 6

Q. Consider the following statements regarding a No Confidence Motion in India : (2014)

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1. There is no mention of a No-Confidence Motion in the Constitution of India.
2. A motion of No-Confidence can be introduced in the Lok Sabha only.

Which of the statements given above is/are correct ?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Answer: C



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12. PARLIAMENT (PART IV)

QUESTION 1

Q. Which one of the following statements about a Money Bill is not correct? (2000)

- a) A Money Bill can be tabled in either House of Parliament
- b) The Speaker of Lok Sabha is the final authority to decide whether a Bill is a Money Bill or not
- c) The Rajya Sabha must return a Money Bill passed by the Lok Sabha and send it for consideration within 14 days
- d) The President cannot return a Money Bill to the Lok Sabha for reconsideration

Answer: A

EXPLANATION

1. Article 110 of the Constitution deals with the definition of money bills. It states that a bill is deemed to be a money bill if it contains 'only' provisions dealing with all or any of the following matters:
 - The imposition, abolition, remission, alteration or regulation of any tax;
 - The regulation of the borrowing of money by the Union government;
 - The custody of the Consolidated Fund of India or the contingency fund of India, the payment of money into or the withdrawal of money from any such fund;
 - The appropriation of money out of the Consolidated Fund of India;
 - Declaration of any expenditure charged on the Consolidated Fund of India or increasing the amount of any such expenditure;
 - The receipt of money on account of the Consolidated Fund of India or the public account of India or the custody or issue of such money, or the audit of the accounts of the Union or of a state; or
 - Any matter incidental to any of the matters specified above.
2. However, a bill is not to be deemed to be a money bill by reason only that it provides for:

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- The imposition of fines or other pecuniary penalties, or
 - The demand or payment of fees for licenses or fees for services rendered; or
 - The imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.
3. If any question arises whether a bill is a money bill or not, the decision of the Speaker of the Lok Sabha is final. His decision in this regard cannot be questioned in any court of law.
 4. A money bill can only be introduced in the Lok Sabha and that too on the recommendation of the president. Every such bill is considered to be a government bill and can be introduced only by a minister.
 5.
 - The Rajya Sabha has restricted powers with regard to a money bill. It cannot reject or amend a money bill. It can only make the recommendations. It must return the bill to the Lok Sabha within 14 days, either with or without recommendations. The Lok Sabha can either accept or reject all or any of the recommendations of the Rajya Sabha.
 - If the Rajya Sabha does not return the bill to the Lok Sabha within 14 days, the bill is deemed to have been passed by both the Houses in the form originally passed by the Lok Sabha.
 6. When a money bill is presented to the president, he may either give his assent to the bill or withhold his assent to the bill but cannot return the bill for reconsideration of the Houses. Normally, the president gives his assent to a money bill as it is introduced in the Parliament with his prior permission.

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Ordinary Bill	Money Bill
It can be introduced either in the Lok Sabha or the Rajya Sabha.	It can be introduced only in the Lok Sabha and not in the Rajya Sabha.
It can be introduced either by a minister or by a private member.	It can be introduced only by a minister.
It is introduced without the recommendation of the president.	It can be introduced only on the recommendation of the President.
It can be amended or rejected by the Rajya Sabha.	It cannot be amended or rejected by the Rajya Sabha. The Rajya Sabha should return the bill with or without recommendations, which may be accepted or rejected by the Lok Sabha.
It can be detained by the Rajya Sabha for a maximum period of six months.	It can be detained by the Rajya Sabha for a maximum period of 14 days only.
It does not require the certification of the Speaker when transmitted to the Rajya Sabha (if it has originated in the Lok Sabha).	It requires the certification of the Speaker when transmitted to the Rajya Sabha.
It can be rejected, approved, or returned for reconsideration by the President.	It can be rejected or approved but cannot be returned for reconsideration by the President.

QUESTION 2

Q. What will follow if a Money Bill is substantially amended by the Rajya Sabha? (2013)

- a) The Lok Sabha may still proceed with the Bill, accepting or not accepting the recommendations of the Rajya Sabha
- b) The Lok Sabha cannot consider the Bill further
- c) The Lok Sabha may send the Bill to the Rajya Sabha for reconsideration
- d) The President may call a joint sitting for passing the Bill

Answer: A

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QUESTION 3

Q. Regarding Money Bill, which of the following statements is not correct? (2018)

- a) A bill shall be deemed to be a Money Bill if it contains only provisions relating to imposition, abolition, remission, alteration or regulation of any tax.
- b) A Money Bill has provisions for the custody of the Consolidated Fund of India or the Contingency Fund of India.
- c) A Money Bill is concerned with the appropriation of money out of the Contingency Fund of India.
- d) A Money Bill deals with the regulation of borrowing of money or giving of any guarantee by the Government of India.

Answer: C

QUESTION 4

Q. In what way does the Indian Parliament exercise control over the administration? (2001)

- (a) Through Parliamentary Committees.
- (b) Through Consultative committees of various ministries.
- (c) By making the administrators send periodic reports.
- (d) By compelling the executive to issue writs.

Answer: A

EXPLANATION

1. The functions of the Parliament are varied, complex and voluminous. Moreover, it has neither the adequate time nor necessary expertise to make a detailed scrutiny of all legislative measures and other matters. Therefore, it is assisted by a number of committees in the discharge of its duties.



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2. The Constitution of India makes a mention of these committees at different places, but without making any specific provisions regarding their composition, tenure, functions, etc. All these matters are dealt by the rules of two Houses. Accordingly, a parliamentary committee means a committee that:
 - Is appointed or elected by the House or nominated by the Speaker / Chairman
 - Works under the direction of the Speaker / Chairman
 - Presents its report to the House or to the Speaker / Chairman
 - Has a secretariat provided by the Lok Sabha / Rajya Sabha
3. The consultative committees, which also consist of members of Parliament, are not parliamentary committees as they do not fulfil above four conditions.

QUESTION 5

Q. The Consultative Committee of Members of Parliament for Railway Zones is constituted by the (2002)

- (a) President of India
- (b) Ministry of Railways
- (c) Ministry of Parliament Affairs
- (d) Ministry of Transport

Answer: C

EXPLANATION

1. Consultative committees are attached to various ministries / departments of the Central Government. They consist of members of both the Houses of Parliament. The Minister / Minister of State in charge of the Ministry concerned acts as the chairman of the consultative committee of that ministry.
 - These committees provide a forum for informal discussions between the ministers and the members of Parliament on policies and programmes of the government and the manner of their implementation. These committees are constituted by the Ministry of Parliamentary Affairs.

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- The guidelines regarding the composition, functions and procedures of these committees are formulated by this Ministry. The Ministry also makes arrangements for holding their meetings both during the session and the inter-session period of Parliament.
- 2.
- In addition, separate Informal Consultative Committees of the members of Parliament are also constituted for all the Railway Zones. Members of Parliament belonging to the area falling under a particular Railway Zone are nominated on the Informal Consultative Committee of that Railway Zone.
 - Unlike the Consultative Committees attached to various ministries / departments, the meetings of the Informal Consultative Committees are to be arranged during the session periods only.

QUESTION 6

Q. Consider the following statements

1. The Chairman of the Committee on Public Accounts is appointed by the Speaker of the Lok Sabha.
2. The Committee on Public Accounts comprises Members of Lok Sabha, Members of Rajya Sabha and a few eminent persons of industry and trade.

Which of these statement(s) given above is/are correct? (2003)

- (a) 1 Only
- (b) 2 Only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Answer: A

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EXPLANATION

1. Parliamentary committees are of two kinds—Standing Committees and Ad Hoc Committees. The former are permanent (constituted every year or periodically) and work on a continuous basis, while the latter are temporary and cease to exist on completion of the task assigned to them.
2. Standing Committees On the basis of the nature of functions performed by them, standing committees can be classified into the following six categories:
Financial Committees
 - (a) Public Accounts Committee
 - (b) Estimates Committee
 - (c) Committee on Public Undertakings
3.
 - This committee was set up first in 1921 under the provisions of the Government of India Act of 1919 and has since been in existence. At present, it consists of 22 members (15 from the Lok Sabha and 7 from the Rajya Sabha).
 - The members are elected by the Parliament every year from amongst its members according to the principle of proportional representation by means of the single transferable vote. Thus, all parties get due representation in it. The term of office of the members is one year.
4. The chairman of the committee is appointed from amongst its members by the Speaker. Until 1966 – '67, the chairman of the committee belonged to the ruling party. However, since 1967 a convention has developed whereby the chairman of the committee is selected invariably from the Opposition.
5. The function of the committee is to examine the annual audit reports of the Comptroller and Auditor General of India (CAG), which are laid before the Parliament by the President. The CAG submits three audit reports to the President, namely, audit report on appropriation accounts, audit report on finance accounts and audit report on public undertakings.
6. The committee examines public expenditure not only from legal and formal point of view to discover technical irregularities but also from the point of view of economy, prudence, wisdom and propriety to bring out the cases of waste, loss, corruption, extravagance, inefficiency and nugatory expenses.



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QUESTION 7

Q. Consider the following statements:

The Parliamentary Committee on Public Accounts.

1. Consists of not more than 25 Members of the Lok Sabha.
2. Scrutinizes appropriation and finance accounts of the Government.
3. Examines the report of the Comptroller and Auditor General of India.

Which of the statements given above is/are correct? (2013)

- (a) 1 only
- (b) 2 and 3 only
- (c) 3 only
- (d) 1, 2 and 3

Answer: B

QUESTION 8

Q. Which one of the following is the largest Committee of the Parliament? (2014)

- (a) The committee on Public Accounts
- (b) The committee on Estimates
- (c) The Committee on Public Undertakings
- (d) The committee on Petitions

Answer: B

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EXPLANATION

1. The origin of this committee can be traced to the standing financial committee set up in 1921. The first Estimates Committee in the post-independence era was constituted in 1950 on the recommendation of John Mathai, the then finance minister.
2. Originally, it had 25 members but in 1956 its membership was raised to 30. All the thirty members are from Lok Sabha only. The Rajya Sabha has no representation in this committee. These members are elected by the Lok Sabha every year from amongst its own members, according to the principles of proportional representation by means of a single transferable vote. Thus, all parties get due representation in it. The term of office is one year.
3. A minister cannot be elected as a member of the committee. The chairman of the committee is appointed by the Speaker from amongst its members and he is invariably from the ruling party.
4. The function of the committee is to examine the estimates included in the budget and suggest 'economies' in public expenditure. Hence, it has been described as a 'continuous economy committee'. In more detail, the functions of the committee are:
 - To report what economies, improvements in organisation, efficiency and administrative reform consistent with the policy underlying the estimates, can be affected
 - To suggest alternative policies in order to bring about efficiency and economy in administration
 - To examine whether the money is well laid out within the limits of the policy implied in the estimates
 - To suggest the form in which the estimates are to be presented to Parliament

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13. PARLIAMENT (PART V)

QUESTION 1

Q. With reference to the Union Government, consider the following statements: (2015)

1. The Department of Revenue is responsible for the preparation of Union Budget that is presented to the Parliament.
2. No amount can be withdrawn from the Consolidated Fund of India without the authorization from the Parliament of India.
3. All the disbursements made from Public Account also need the authorization from the Parliament of India.

Which of the statements given above is/are correct?

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 2 only
- (d) 1, 2 and 3

Answer: C

EXPLANATION

1. Consolidated Fund of India (CFI)

- All revenues received by the government by way of taxes whether direct or indirect and other receipts flowing to the government in connection with the conduct of government business like receipts from Railways, Post, transport, PSU's etc. are credited into the CFI.
- Similarly all loans raised by the government by issue of public notifications, treasury bills and loans obtained from foreign governments and international institutions are credited into this fund.



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- All expenditure incurred by the government for the conduct of its business including repayment of internal and external debt and release of loans to State/Union Territory governments for various purposes are debited against this fund and no amount can be withdrawn from the Fund without the authorization from the Parliament.

2. Public Account of India

- All the public money received by the government other than those which are credited to the Consolidated Fund of India are accounted for Public Account.
- The receipts into the Public Account and disbursements out of it are not subject to vote by the Parliament.
- Receipts under this account mainly flow from the sale of saving Certificates, Contributions into General Provident Fund, Public Provident Fund, Security Deposits received by the government.
- In respect of such deposits, the government is acting as a Banker or Trustee and refunds the money after the completion of the contract/event.

3. Contingency Fund of India

- This fund is in the nature of an imprest (a fixed fund for a specific purpose) account and is kept at the disposal of the President of India (by the Secretary to the Government of India, Ministry of Finance, Department of Economic Affairs) to enable the government to meet unforeseen expenses pending authorization by the Parliament.
- The Money is used to provide immediate relief to victims of natural calamities and also to implement any new policy decision taken by the Government pending its approval by the Parliament.
- In all such cases after the Parliament meets, a Bill is presented indicating the total expenditure to be incurred on the scheme/project during the current financial year.
- After the Parliament votes the Bill, the money already spent out of the Contingency Fund is recouped/withdrawn from the Consolidated Fund of India to ensure the corpus of the Contingency Fund remains intact.
- Currently the corpus is Rs. 500 crore and is enhanced from time to time by the Parliament.

4. The Budget Division of the Department of Economic Affairs under Ministry of Finance is responsible for the preparation of Union Budget that is presented to the Parliament by the Finance Minister.



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QUESTION 2

Q. Which one of the following is responsible for the preparation and presentation of Union Budget to the Parliament? (2010)

- (a) Department of Revenue
- (b) Department of Economic Affairs
- (c) Department of Financial Services
- (d) Department of Expenditure

Answer: B

QUESTION 3

Q. All revenues received by the Union Government by way of taxes and other receipts for the conduct of Government business are credited to the (2011)

- (a) Contingency Fund of India
- (b) Public Account
- (c) Consolidated Fund of India
- (d) Deposits and Advances Fund

Answer: C

QUESTION 4

Q. The authorization for the withdrawal of funds from the Consolidated Fund of India must come from (2011)

- (a) The President of India
- (b) The Parliament of India

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(c) The Prime Minister of India

(d) The Union Finance Minister

Answer: B

QUESTION 5

Q. What is the difference between vote-on-account and interim budget? (2011)

1. The provision of a vote-on-account is used by a regular Government, while an interim budget is a provision used by a caretaker Government.
2. A vote-on-account only deals with the expenditure in Government's budget, while an interim budget includes both expenditure and receipts.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Answer: C

EXPLANATION

1.

- Budget is an estimate of income and expenditure for a future period of time. It is generally used for a government, but it could be of a firm, company, corporation etc.
- The 'word' has its origin in the British parliamentary exercise of preparing such statement way back in the mid-18th century from the French word 'Bugeut' meaning a leather bag out of which the financial statement was brought out and presented in the parliament. Today, this word is used to mean the annual statement in all economies around the world.



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2.

- The estimated receipts and expenditure of the government of India in respect of each financial year (1st April to 31st March) is called the budget of Government of India.
- Article 265 of the Constitution provides that no tax shall be levied or collected except by authority of law. As per Article 266 no expenditure can be incurred except with the authorization of the legislature.
- Government takes the approval of the parliament for the taxes/receipts through the Financial Bill and the approval for the expenditures through the Appropriation Bill.
- Article 112 specifies that the President shall, in respect of every financial year, cause to be laid before both the houses of the parliament, the Annual Financial Statement (Budget) of estimated receipts of every financial year from 1st April to 31st March. Annual Financial Statement contain:
 - Budget Estimate (BE) for the next Year (2019-20)
 - Budget and Revised Estimate (RE) for the current FY 2018-19
 - Actual figures for the preceding FY 2017-18

3. There can be three kinds of Budget presented by the government:

- Full Budget: It contains the government's estimate for expenditure and receipts for the entire financial year.
- Interim Budget: During an election year, the ruling government may present an interim budget which is a complete set of accounts, including both expenditure and receipts but only for a part of the year. When the new government will be formed, it shall prepare the full budget. There is no such constitutional obligation to prepare an interim budget, it is just an unwritten convention that political parties have developed.
- Vote-on-Account: 'Vote on Account' deals only with the expenditure side of the government's budget. Through 'Vote on Account', the government obtains the vote of the Parliament for a sum sufficient to incur expenditure on various items for a part of the year. Normally, the 'Vote on Account' is taken for two months for a sum equivalent to one sixth of the estimated expenditure for the entire year under various demands for grants.

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QUESTION 6

Q. When the annual Union Budget is not passed by the Lok Sabha: (2011)



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- (a) The Budget is modified and presented again
- (b) The Budget is referred to the Rajya Sabha for suggestions
- (c) The Union Finance Minister is asked to resign
- (d) The Prime Minister submits the resignation of Council of Ministers

Answer: D

QUESTION 7

Q. With reference to Indian Parliament, which one of the following is not correct? (2004)

- a) The Appropriation Bill must be passed by both the Houses of Parliament before it can be enacted into law
- b) No money shall be withdrawn from the Consolidated Fund of India except under the appropriation made by the Appropriation Act
- c) Finance Bill is required for proposing new taxes but no other Bill/Act is required for making changes in the rates of taxes which are already under operation
- d) No Money Bill can be introduced except on the recommendation of the President

Answer: A

EXPLANATION

1. 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:

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



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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.

2. The Appropriation Bill becomes the Appropriation Act after it is assented to by the President. This act authorizes (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.

QUESTION 8

Q. Which of the following are the methods of Parliamentary control over public finance in India? (2012)

1. Placing Annual Financial Statement before the Parliament
2. Withdrawal of moneys from Consolidated Fund of India only after passing the Appropriation Bill
3. Provisions of supplementary grants and vote-on-account
4. A periodic or at least a mid-year review of programme of the Government against macroeconomic forecasts and expenditure by a Parliamentary Budget Office.
5. Introducing Finance Bill in the Parliament

Select the correct answer using the codes given below :

- (a) 1, 2, 3 and 5 only
- (b) 1, 2 and 4 only
- (c) 3, 4 and 5 only
- (d) 1, 2, 3, 4 and 5

Answer: A

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EXPLANATION



- ✓ The budget is presented in the parliament on the first working day of February at 11.00 am.
- ✓ The General Budget is presented in Lok Sabha by the Finance Minister and he/she makes a speech introducing the budget and after the speech it is presented in the Rajya Sabha.
- ✓ No discussion on Budget takes place on the day it is presented to the house.
- ✓ The main budget documents presented to parliament comprise, besides the financer Minister Budget Speech, of the following:
 - Annual Financial Statement
 - Demand for Grants
 - Appropriation Bill
 - Finance Bill
- ✓ The General Discussion on the Budget is held on a day subsequent to the presentation of the Budget by the Finance Minister. Discussion at this stage is confined to the general examination of the Budget and policies of taxation expressed during the budget speech. General discussion on the budget happens in both the houses of the parliament.

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14. AMENDMENT OF THE CONSTITUTION

QUESTION 1

Q. Which of the following are matters on which a constitutional amendment is possible only with the ratification of the legislatures of not less than one-half of the states? (1995)

1. Election of the President.
2. Representation of the States in Parliament.
3. Any of the Lists in the 7th schedule.
4. Abolition of the Legislative Council of a State.

- (a) 1, 2 and 3
(b) 1, 2 and 4
(c) 1, 3 and 4
(d) 2, 3 and 4

Answer: A

EXPLANATION

1.
 - Like any other written Constitution, the Constitution of India also provides for its amendment in order to adjust itself to the changing conditions and needs. However, the procedure laid down for its amendment is neither as easy as in Britain nor as difficult as in USA. In other words, the Indian Constitution is neither flexible nor rigid but a synthesis of both.
 - Article 368 in Part XX of the Constitution deals with the powers of Parliament to amend the Constitution and its procedure. It states that the Parliament may, in exercise of its constituent power, amend by way of addition, variation or repeal any provision of the



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Constitution in accordance with the procedure laid down for the purpose. However, the Parliament cannot amend those provisions which form the 'basic structure' of the Constitution. This was ruled by the Supreme Court in the Kesavananda Bharati case (1973).

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

- 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.
- The bill can be introduced either by a minister or by a private member and does not require prior permission of the president.
- 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.
- 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.
- 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.
- 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.
- 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.

3. Article 368 provides for two types of amendments, that is, by a special majority of Parliament and also through the ratification of half of the states by a simple majority. But, some other articles provide for the amendment of certain provisions of the Constitution by a simple majority of Parliament, that is, a majority of the members of each House present and voting (similar to the ordinary legislative process). Notably, these amendments are not deemed to be amendments of the Constitution for the purposes of Article 368.

Therefore, the Constitution can be amended in three ways:

- Amendment by simple majority of the Parliament,



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- Amendment by special majority of the Parliament, and
- Amendment by special majority of the Parliament and the ratification of half of the state legislatures.

4.

- ✓ 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:

- 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).

QUESTION 2

Q. Consider the following statements: (1997)

Assertion(A) The reservation of thirty-three percent of seats for women in Parliament and State Legislature does not require Constitutional Amendment.

Reason (R) Political parties contesting elections can allocate thirty-three percent of seats they contest to women candidates without any Constitutional Amendment.

In the context of the above two statements, which one of the following is correct?

- (a) Both A and R are true and R is the correct explanation of A
- (b) Both A and R are true but R is not the correct explanation of A



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(c) A is true but R is false

(d) A is false but R is true

Answer: D

QUESTION 3

Q. Consider the following statements

1. An amendment to the Constitution of India can be initiated by an introduction of a bill in the Lok Sabha only.
2. If such an amendment seeks to make changes in the federal character of the Constitution, the amendment also requires to be ratified by the legislature of all the States of India.

Which of the statement(s) given above is/are correct? (2003)

- (a) Only 1
- (b) Only 2
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Answer: D

QUESTION 4

Q. If a new State of the Indian Union is to be created which one of the following schedules of Constitution must be amended? (2001)

- (a) First
- (b) Second
- (c) Third

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(d) Fifth

Answer: A

QUESTION 5

Q. Which one of the following amendments to the Indian Constitution empowers the President to send back any matter for reconsideration by the Council of Ministers? (2002)

- (a) 39th
- (b) 40th
- (c) 42nd
- (d) 44th

Answer: D

QUESTION 6

Q. Which of the following Constitutional Amendments are related to raising the number of Members of Lok Sabha to be elected from the states? (2003)

- a) 6th and 22nd
- b) 13th and 38th
- c) 7th and 31st
- d) 11th and 42nd

Answer: C

QUESTION 7

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Q. The Constitution (88th Amendment) Act is related to: (2005)

- (a) Empowering the centre to levy and appropriate service tax
-

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- (b) The Constitution of the National Judicial Commission
- (c) Readjustment of electoral constituencies on basis of the Population Census 2001
- (d) The demarcation of new boundaries between states

Answer: A

QUESTION 8

Q. What does the 104th Constitutional Amendment Bill related to? (2006)

- (a) Abolition of Legislative Councils in certain states
- (b) Introduction of dual citizenship for person of Indian origin living outside India
- (c) Providing quota to socially and educationally backward classes in private educational institutions
- (d) Providing quota for religious minorities in the services under the Central Government

Answer: C

QUESTION 9

Q. Which of the following Constitution Amendment Acts seeks that the size of the Councils of Ministers at the centre and in a state must not exceed 15% of the total number of members in the Lok Sabha and the total number of members of the Legislative Assembly of that state, respectively? (2007)

- (a) 91st
- (b) 93rd
- (c) 95th
- (d) 97th

Answer: A

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QUESTION 10

Q. Which of the following Constitution Amendments state that the total number of Ministers, including the Prime Minister in the Council of Ministers shall not exceed 15% of the total number of members of the House of the People? (2009)

- (a) 90th
- (b) 91st
- (c) 92nd
- (d) 93rd

Answer: B

QUESTION 11

Q. Match List I with List II and select the correct answer using the codes given below the lists: (2001)

List I	List II
A- The Constitution (69 th Amendment) Act, 1991	1. Establishment of state level rent Tribunals
B- The Constitution (75 th Amendment) Act, 1994	2. No reservations for Scheduled Castes in Panchayats in Arunachal Pradesh
C- The Constitution (80 th Amendment) Act, 2000	3. Constitution of Panchayats in villages or at other local level
D- The Constitution (83 rd Amendment) Act, 2000	4. Accepting the recommendations of Tenth Finance Commission
	5. According the status territory to Delhi

Codes:

A B C D

- (a) 5 1 4 2
- (b) 1 5 3 4

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(c) 5 1 3 4

(d) 1 5 4 2

Answer: A



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15. SYSTEM OF THE GOVERNMENT

QUESTION 1

Q. The main advantage of the parliamentary form of governments is that (2017)

- (a) the executive and legislature work independently.
- (b) it provides continuity of policy and is more efficient.
- (c) the executive remains responsible to the legislature.
- (d) the head of the government cannot be changed without election.

Answer: C

EXPLANATION

1. The Constitution of India provides for a parliamentary form of government, both at the Centre and in the states. Articles 74 and 75 deal with the parliamentary system at the Centre and Articles 163 and 164 in the states.
2.
 - Modern democratic governments are classified into parliamentary and presidential on the basis of nature of relations between the executive and the legislative organs of the government. The parliamentary system of government is the one in which the executive is responsible to the legislature for its policies and acts.
 - The presidential system of government, on the other hand, is one in which the executive is not responsible to the legislature for its policies and acts, and is constitutionally independent of the legislature in respect of its term of office.
3.
 - The parliamentary government is also known as cabinet government or responsible government or Westminster model of government and is prevalent in Britain, Japan, Canada, India among others.



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- The presidential government, on the other hand, is also known as non-responsible or non-parliamentary or fixed executive system of government and is prevalent in USA, Brazil, Russia, Sri Lanka among others.
4. The features or principles of parliamentary government in India are:
Nominal and Real Executives: The President is the nominal executive (de jure executive or titular executive) while the Prime Minister is the real executive (de facto executive). Thus, the President is head of the State, while the Prime Minister is head of the government. Article 74 provides for a council of ministers headed by the Prime Minister to aid and advise the President in the exercise of his functions. The advice so tendered is binding on the President.
 5. Majority Party Rule: The political party which secures majority seats in the Lok Sabha forms the government. The leader of that party is appointed as the Prime Minister by the President; other ministers are appointed by the President on the advice of the prime minister. However, when no single party gets the majority, a coalition of parties may be invited by the President to form the government.
 6. Collective Responsibility: This 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). They act as a team, and swim and sink together. 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.
 7. Political Homogeneity: Usually members of the council of ministers belong to the same political party, and hence they share the same political ideology. In case of coalition government, the minister are bound by consensus.
 8. 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.
 9. Leadership of the Prime Minister: The Prime Minister plays the leadership role in this system of government. He is the leader of council of ministers, leader of the Parliament and leader of the party in power. In these capacities, he plays a significant and highly crucial role in the functioning of the government.
 10. Dissolution of the Lower House: The lower house of the Parliament (Lok Sabha) can be dissolved by the President on recommendation of the Prime Minister. In other words, the prime minister can



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advise the President to dissolve the Lok Sabha before the expiry of its term and hold fresh elections. This means that the executive enjoys the right to get the legislature dissolved in a parliamentary system.

11. Secrecy: The ministers operate on the principle of secrecy of procedure and cannot divulge information about their proceedings, policies and decisions. They take the oath of secrecy before entering their office. The oath of secrecy to the ministers is administered by the President.

QUESTION 2

Q. Out of the following statements, choose the one that brings out the principle underlying the Cabinet form of Government(2017)

- a) An arrangement for minimizing the criticism against the Government whose responsibilities are complex and hard to carry out the satisfaction of all.
- b) A mechanism for speeding up the activities of the Government whose responsibilities are increasing day by day.
- c) A mechanism of parliamentary democracy for ensuring collective responsibility of the Government to the people.
- d) A device for strengthening the hands of the head of the Government whose hold over the people is in a state of decline.

Answer: C

QUESTION 3

Q. There is a Parliamentary System of Government in India because the (2015)

- (a) Lok Sabha is elected directly by the people
- (b) Parliament can amend the Constitution through knowledge...
- (c) Rajya Sabha cannot be dissolved
- (d) Council of Ministers is responsible to the Lok Sabha

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Answer: D

QUESTION 4

Q. In the context of India, which of the following principles is/are, implied institutionally in the parliamentary government? (2013)

1. Members of the Cabinet are Members of the Parliament.
2. Ministers hold the office till they enjoy confidence in the Parliament.
3. Cabinet is headed by the Head of the State.

Select

- (a) 1 and 2 only
- (b) 3 only
- (c) 2 and 3 only
- (d) 1, 2 and 3

Answer: A

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EXPLANATION

Parliamentary System	Presidential System
<ul style="list-style-type: none"><input type="checkbox"/> Dual executive.<input type="checkbox"/> Majority party rule<input type="checkbox"/> Collective responsibility.<input type="checkbox"/> Political homogeneity<input type="checkbox"/> Double membership.<input type="checkbox"/> Leadership of prime minister.<input type="checkbox"/> Dissolution of Lower House.<input type="checkbox"/> Fusion of powers.	<ul style="list-style-type: none"><input type="checkbox"/> Single executive.<input type="checkbox"/> President and legislators elected separately for a fixed term.<input type="checkbox"/> Non-responsibility<input type="checkbox"/> Political homogeneity may not exist.<input type="checkbox"/> Single membership<input type="checkbox"/> Domination of president.<input type="checkbox"/> No dissolution of Lower House.<input type="checkbox"/> Separation of powers.
<p>Merits:</p> <ul style="list-style-type: none"><input type="checkbox"/> Harmony between legislature and executive.<input type="checkbox"/> Responsible government.<input type="checkbox"/> Prevents despotism.<input type="checkbox"/> Wide representation.	<p>Demerits:</p> <ul style="list-style-type: none"><input type="checkbox"/> Conflict between legislature and executive.<input type="checkbox"/> Non-responsible government.<input type="checkbox"/> May lead to autocracy.<input type="checkbox"/> Narrow representation.
<p>Demerits:</p> <ol style="list-style-type: none">1. Unstable government.2. No continuity of policies.3. Against separation of powers4. Government by amateurs.	<p>Merits:</p> <ol style="list-style-type: none">1. Stable government.2. Definiteness in policies.3. Based on separation of powers.4. Government by experts

QUESTION 5

Consider the following statements : A Constitutional Government is one which – (2014)

1. Places effective restrictions on individual liberty in the interest of State Authority.
2. Places effective restrictions on the Authority of the State in the interest of individual liberty.

Which of the statements given above is/are correct?

- (a) 1 only



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- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Answer: B

EXPLANATION

Constitutional Government	Non-Constitutional Government
A Constitutional government is that government, which is elected by public of the country through an election process.	Non-constitutional is a perfect type of monarchic, autocratic or dictatorial government.
Head of the State has limited powers i.e power and authorities provided by constitution, which will be limited.	Ruler of the country has unlimited powers and authorities and he is not answerable to anyone.
It has specific tenure or limit to rule and it is compulsory to be re-elect again for another term.	There is no ruling limit in case of non-constitutional government. It can remain in power as it wants.
United States, Austria, Pakistan, Bangladesh, India, etc. are examples of constitutional government.	Brunei, Qatar, Swaziland and Vatican City are examples of non-constitutional government or absolute monarchical government.

QUESTION 6

Q. Democracy's superior virtue lies in the fact that it calls into activity (2017)

- (a) the intelligence and character of ordinary men and women.
- (b) the methods for strengthening executive leadership.

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(c) a superior individual with dynamism and vision.

(d) a band on dedicated party workers.

Answer: A

EXPLANATION

A democracy is superior, because it allows a right to every adult citizen, without any educational and wealth criterion. Democracy is a system of government in which the citizens exercise power directly or elect representatives from among themselves to form a governing body, such as a Parliament.

Other features of democracy.

- Popular Sovereignty
- Political freedom and equality
- Protection of minority rights
- Independence of judiciary



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16. CENTRE-STATE RELATIONS

QUESTION 1

Q. The Parliament of India acquires the power to legislate on any item in the State List in the national interest if a resolution to that effect is passed by the (2016)

- (a) Lok Sabha by a simple majority of its total membership
- (b) Lok Sabha by a majority of not less than two-thirds of its total membership
- (c) Rajya Sabha by a simple majority of its total membership
- (d) Rajya Sabha by a majority of not less than two-thirds of its members present and voting

Answer: D

EXPLANATION

1. Articles 245 to 255 in Part XI of the Constitution deal with the legislative relations between the Centre and the states. Indian Constitution divides the legislative powers between the Centre and the states with respect to both the territory and the subjects of legislation.
2.
 - The Parliament can make laws for the whole or any part of the territory of India. The territory of India includes the states, the union territories, and any other area for the time being included in the territory of India.
 - A state legislature can make laws for the whole or any part of the state. The laws made by a state legislature are not applicable outside the state, except when there is a sufficient nexus between the state and the object.
 - The Parliament alone can make 'extra-territorial legislation'. Thus, the laws of the Parliament are also applicable to the Indian citizens and their property in any part of the world. *Leadership through knowledge...*



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3.

- The Constitution provides for a three-fold distribution of legislative subjects between the Centre and the states, viz., List-I (the Union List), List-II (the State List) and List-III (the Concurrent List) in the Seventh Schedule.
- The Parliament has exclusive powers to make laws with respect to any of the matters enumerated in the Union List.
- The state legislature has “in normal circumstances” exclusive powers to make laws with respect to any of the matters enumerated in the State List.
- Both, the Parliament and state legislature can make laws with respect to any of the matters enumerated in the Concurrent List.
- The power to make laws with respect to residuary subjects (i.e., the matters which are not enumerated in any of the three lists) is vested in the Parliament.

4. The Constitution expressly secure the predominance of the Union List over the State List and the Concurrent List and that of the Concurrent List over the State List. Thus, in case of overlapping between the Union List and the State List, the former should prevail. In case of overlapping between the Union List and the Concurrent List, it is again the former which should prevail. Where there is a conflict between the Concurrent List and the State List, it is the former that should prevail.

In case of a conflict between the Central law and the state law on a subject enumerated in the Concurrent List, the Central law prevails over the state law.

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

- When Rajya Sabha Passes a Resolution: 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 resolution remains in force for one year; it can be renewed any number of times but not exceeding one year at a time.
- The laws cease to have effect on the expiration of six months after the resolution has ceased to be in force.

This provision does not restrict the power of a state legislature to make laws on the same matter. But, in case of inconsistency between a state law and a parliamentary law, the latter is to prevail.



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6.
 - During a National Emergency: 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.
 - Here also, the power of a state legislature to make laws on the same matter is not restricted. But, in case of repugnancy between a state law and a parliamentary law, the latter is to prevail.
7.
 - 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, then the Parliament can make laws for regulating that matter. A law so enacted applies only to those states which have passed the resolutions.
 - However, any other state may adopt it afterwards by passing a resolution to that effect in its legislature. Such a law can be amended or repealed only by the Parliament and not by the legislatures of the concerned states.
8.
 - To Implement International Agreements (Article 253): 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.
 - Some examples of laws enacted under the above provision are United Nations (Privileges and Immunities) Act, 1947; Geneva Convention Act, 1960; Anti-Hijacking Act, 1982 and legislations relating to environment and TRIPS.
9.
 - During President's Rule: 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.
 - This means that the period for which such a law remains in force is not co-terminus with the duration of the President's rule. But, such a law can be repealed or altered or re-enacted by the state legislature.

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QUESTION 2

Q. The Parliament can make any law for whole or any part of India for implementing International treaties (2013)

- (a) with the consent of all the States
- (b) with the consent of the majority of States
- (c) with the consent of the States concerned
- (d) without the consent of any State

Answer: D

QUESTION 3

Q. Which of the following are not necessarily the consequences of the proclamation of the President's rule in a State?

1. Dissolution of the State Legislative Assembly
2. Removal of the Council of Ministers in the State
3. Dissolution of the local bodies

Select the correct answer using the code given below:

- (a) 1 and 2 only
- (b) 1 and 3 only
- (c) 2 and 3 only
- (d) 1, 2 and 3

Answer: B

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EXPLANATION

National Emergency (Article 352)	President's Rule (Article 356)
It can be proclaimed only when the security of India or a part of it is threatened by war, external aggression or armed rebellion.	It can be proclaimed when the government of a state cannot be carried on in accordance with the provisions of the Constitution due to reasons which may not have any connection with war, external aggression or armed rebellion.
During its operation, the state executive and legislature continue to function and exercise the powers assigned to them under the Constitution. Its effect is that the Centre gets concurrent powers of administration and legislation in the state.	During its operation, the state executive is dismissed and the state legislature is either suspended or dissolved. The president administers the state through the governor and the Parliament makes laws for the state. In brief, the executive and legislative powers of the state are assumed by the Centre.
Under this, the Parliament can make laws on the subjects enumerated in the State List only by itself, that is, it cannot delegate the same to any other body or authority.	Under this, the Parliament can delegate the power to make laws for the state to the President or to any other authority specified by him. So far, the practice has been for the president to make laws for the state in consultation with the members of Parliament from that state. Such laws are known as President's Acts.

QUESTION 4

Q. Which one of the following Articles of the Indian Constitution provides that "It shall be the duty of the Union to protect every state against external aggression and internal disturbance? (2003)

- (a) Article 215
- (b) Article 275
- (c) Article 325
- (d) Article 355

Answer: D

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EXPLANATION

- According to Article 355, it shall be duty of the Union to protect states against external aggression and internal disturbance. It shall also be the duty of the Union to ensure that the government of every states is carried on in accordance with the provisions of this Constitution.
 - 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.
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17. CONSTITUTIONAL BODIES (PART I)

QUESTION 1

Q. Consider the following statements:

1. The Election Commission of India is a five-member body.
2. Union Ministry of Home Affairs decides the election schedule for the conduct of both general elections and bye-elections.
3. Election Commission resolves the disputes relating to splits/mergers of recognized political parties.

Which of the statements given above is/are correct? (2017)

- (a) 1 and 2 only
- (b) 2 only
- (c) 2 and 3 only
- (d) 3 only

Answer: D

EXPLANATION

1.
 - The Election Commission is a permanent and an independent body established by the Constitution of India directly to ensure free and fair elections in the country.
 - Article 324 of the Constitution provides that the power of superintendence, direction and control of elections to parliament, state legislatures, the office of president of India and the office of vice-president of India shall be vested in the election commission.
2.
 - Election Commission is an all-India body in the sense that it is common to both the Central government and the state governments. It must be noted here that the election commission



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is not concerned with the elections to panchayats and municipalities in the states. For this, the Constitution of India provides for a separate State Election Commission.

3. Article 324 of the Constitution has made the following provisions with regard to the composition of election commission:
 1. The Election Commission shall consist of the chief election commissioner and such number of other election commissioners, if any, as the president may from time to time fix.
 2. The appointment of the chief election commissioner and other election commissioners shall be made by the president.
 3. When any other election commissioner is so appointed, the chief election commissioner shall act as the chairman of the election commission.
 4. The president may also appoint after consultation with the election commission such regional commissioners as he may consider necessary to assist the election commission.
 5. The conditions of service and tenure of office of the election commissioners and the regional commissioners shall be determined by the president.
4.
 - Since its inception in 1950 and till 15 October 1989, the election commission functioned as a single member body consisting of the Chief Election Commissioner. On 16 October 1989, the president appointed two more election commissioners to cope with the increased work of the election commission on account of lowering of the voting age from 21 to 18 years.
 - Election Commission functioned as a multimember body consisting of three election commissioners. However, the two posts of election commissioners were abolished in January 1990 and the Election Commission was reverted to the earlier position. Again in October 1993, the president appointed two more election commissioners. Since then and till today, the Election Commission has been functioning as a multi-member body consisting of three election commissioners.
5.
 - The chief election commissioner and the two other election commissioners have equal powers and receive equal salary, allowances and other perquisites, which are similar to those of a judge of the Supreme Court.
 - In case of difference of opinion amongst the Chief Election Commissioner and/or two other election commissioners, the matter is decided by the Commission by majority. They



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hold office for a term of six years or until they attain the age of 65 years, whichever is earlier. They can resign at any time or can also be removed before the expiry of their term.

6. Article 324 of the Constitution has made the following provisions to safeguard and ensure the independent and impartial functioning of the Election Commission:

- The chief election commissioner is provided with the security of tenure. He cannot be removed from his office except in same manner and on the same grounds as a judge of the Supreme Court. In other words, he can be removed by the president on the basis of a resolution passed to that effect by both the Houses of Parliament with special majority, either on the ground of proved misbehaviour or incapacity. Thus, he does not hold his office till the pleasure of the president, though he is appointed by him.
- The service conditions of the chief election commissioner cannot be varied to his disadvantage after his appointment.
- Any other election commissioner or a regional commissioner cannot be removed from office except on the recommendation of the chief election commissioner.

7. The powers and functions of the Election Commission:

1. To determine the territorial areas of the electoral constituencies throughout the country on the basis of the Delimitation Commission Act of Parliament.
2. To prepare and periodically revise electoral rolls and to register all eligible voters.
3. To notify the dates and schedules of elections and to scrutinise nomination papers.
4. To grant recognition to political parties and allot election symbols to them.
5. To act as a court for settling disputes related to granting of recognition to political parties and allotment of election symbols to them.
6. To appoint officers for inquiring into disputes relating to electoral arrangements.
7. To determine the code of conduct to be observed by the parties and the candidates at the time of elections.
8. To prepare a roster for publicity of the policies of the political parties on radio and TV in times of elections.
9. To advise the president on matters relating to the disqualifications of the members of Parliament.
10. To advise the governor on matters relating to the disqualifications of the members of state legislature.
11. To cancel polls in the event of rigging, booth capturing, violence and other irregularities.



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12. To request the president or the governor for requisitioning the staff necessary for conducting elections.
13. To supervise the machinery of elections throughout the country to ensure free and fair elections.
14. 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.
15. 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.

QUESTION 2

Q. Which one of the following is correct in respect of the commencement of the election process in India? (1995)

- a) The recommendation for election is made by the government and the notification for election is issued by the Election Commission.
- b) The recommendation for election is made by the Election Commission and the notification for election is issued by the Home Ministry at the Centre and Home Departments in the States.
- c) The recommendation for election is made by the Election Commission and the notification for election is issued by the President and Governors of the States concerned.
- d) Both the exercises of making a recommendation for election and that of issuing a notification in respect of it are done by Election Commission.

Answer: A

QUESTION 3

Q. Consider the following statements with reference to India (2002)

1. The Chief Election Commissioner and other Election Commissioners enjoy equal powers but receive unequal salaries.

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2. The Chief Election Commissioner is entitled to the same salary as is provided to a judge of the Supreme Court.

3. The Chief Election Commissioner shall not be removed from his office except in like manner and on like grounds as a judge of the Supreme Court.

4. The term of office of the Election Commissioner is five years from the date he assumes his office or till the day he attains the age of 62 years, whichever is earlier.

Which of these statements are correct?

a) 1 and 2

b) 2 and 3

c) 1 and 4

d) 2 and 4

Answer: B

QUESTION 4

Q. Which one among the following commission was set-up in pursuance of a definite provision under an Article of the Constitution of India? (2006)

a) University Grants Commission

b) National Human Rights Commission

c) Election Commission

d) Central Vigilance Commission

Answer: C

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QUESTION 5

Q. Consider the following functions

1. Superintendence, direction and conduct of free and fair elections.
2. Preparation of electoral rolls for all elections to the Parliament, State Legislatures and the Office of the President and the Vice-President.
3. Giving recognition to political parties and allotting election symbols to political parties and individuals contesting the election.
4. Proclamation of final verdict in the case of election disputes.

Which of the above are the functions of the Election Commission of India? (2004)

- a) Only 1, 2 & 3
- b) Only 2, 3 & 4
- c) Only 1 & 3
- d) Only 1,2 & 4

Answer: A

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18. CONSTITUTIONAL BODIES (PART II)

QUESTION 1

Q. With reference to the Finance Commission of India, which of the following statements is correct? (2010)

- (a) It encourages the inflow of foreign capital for infrastructure development
- (b) It facilitates the proper distribution of finances among the Public Sector Undertakings
- (c) It ensures transparency in financial administration
- (d) None of the statements (a), (b) and (c) given above is correct in this context

Answer: D

EXPLANATION

1. Article 280 of the Constitution of India provides for a Finance Commission as a quasi judicial body. It is constituted by the president of India every fifth year or at such earlier time as he considers necessary.

2.

- 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.
- The Constitution authorises the Parliament to determine the qualifications of members of the commission and the manner in which they should be selected. Accordingly, the Parliament has specified the qualifications of the chairman and members of the commission

The chairman should be a person having experience in public affairs and the four other members should be selected from amongst the following:

1. A judge of high court or one qualified to be appointed as one.
2. A person who has specialised knowledge of finance and accounts of the government.
3. A person who has wide experience in financial matters and in administration.



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4. A person who has special knowledge of economics.
3. The Finance Commission is required to make recommendations to the president of India on the following matters:
 1. 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.
 2. The principles that should govern the grants-in-aid to the states by the Centre (i.e., out of the consolidated fund of India).
 3. 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
 4. Any other matter referred to it by the president in the interests of sound finance.
4. 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.

QUESTION 2

Q. The primary function of the Finance Commission in India is to (2000)

- a) Distribution of revenue between the Centre and the States
- b) Prepare the Annual Budget
- c) Advise the President on Financial matters
- d) Allocate funds to various ministries of the Union and State Governments

Answer: C

QUESTION 3

Q. Which one of the following authorities recommends the principles governing the grants-in-aid of the revenues to the states out of the Consolidated Fund of India? (2002)

- a) Finance Commission
- b) Inter-State Council

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- c) Union Ministry of Finance
- d) Public Accounts Committee

Answer: A

QUESTION 4

Q. Consider the following statements

The function (s) of the Finance Commission is/are

1. To allow the withdrawal of the money out of the Consolidated Fund of India.
2. To allocate between the states and centre the shares of proceeds of taxes.
3. To consider applications for grants-in-aid from states.
4. To supervise and report on whether the Union and State Governments are levying taxes in accordance with the budgetary provisions.

Which of the statement (s) is/are correct? (2003)

- a) Only 1
- b) Only 2 & 3
- c) Only 3 & 4
- d) Only 1,2 & 4

Answer: B

QUESTION 5

Q. According to the National Human Rights Commission Act, 1993, who amongst the following can be its Chairman? (2004)

- a) Any serving Judge of the Supreme Court



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- b) Any serving Judge of the High Court
- c) Only a retired Chief Justice of India
- d) Only a retired Chief Justice of a High Court

Answer: C

EXPLANATION

1. 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. This Act was amended in 2006.
2. The commission is the watchdog of human rights in the country, that is, the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the international covenants and enforceable by courts in India.

The specific objectives of the establishment of the commission are:

- To strengthen the institutional arrangements through which human rights issues could be addressed in their entirety in a more focussed manner;
 - To look into allegations of excesses, independently of the government, in a manner that would underline the government's commitment to protect human rights; and
 - To complement and strengthen the efforts that have already been made in this direction.
3. 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—the chairmen of the National Commission for Minorities, the National Commission for SCs, the National Commission for STs and the National Commission for Women.
 4.
 - The chairman and members are appointed by the president on the recommendations of a six-member committee consisting of the prime minister as its head, the Speaker of the Lok Sabha, the Deputy Chairman of the Rajya Sabha, leaders of the Opposition in both the Houses of Parliament and the Central home minister.



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- Further, a sitting judge of the Supreme Court or a sitting chief justice of a high court can be appointed only after consultation with the chief justice of India.
 - The chairman and members hold office for a term of five years or until they attain the age of 70 years, whichever is earlier. After their tenure, the chairman and members are not eligible for further employment under the Central or a state government.
5. The salaries, allowances and other conditions of service of the chairman or a member are determined by the Central government. But, they cannot be varied to his disadvantage after his appointment.

QUESTION 6

Q. Consider the following statements regarding the National Human Rights Commission of India: (1999)

1. Its Chairman must be a retired Chief Justice of India.
2. It has formations in each state as State Human Rights Commission.
3. Its powers are only recommendatory in nature.
4. It is mandatory to appoint a woman as a member of the Commission.

Which of the above statements are correct?

- a) 1, 2, 3 & 4
- b) 2 & 4
- c) 2 & 3
- d) 1 & 3

Answer: D

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19. CONSTITUTIONAL BODIES (PART III)

QUESTION 1

Q. Which one of the following duties is not performed by Comptroller and Auditor General of India? (2001)

- a) To audit and report on all expenditure from the Consolidated Fund of India
- b) To audit and report on all expenditure from the Contingency Funds and Public Accounts
- c) To audit and report on all trading, manufacturing, profit and loss accounts
- d) To control the receipt and issue of public money and to ensure that the public revenue is lodged in the exchequer

Answer: D

EXPLANATION

1.
 - The Constitution of India (Article 148) provides for an independent office of the Comptroller and Auditor General of India (CAG). He 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.
2.
 - The CAG is appointed by the president of India by a warrant under his hand and seal.
 - He holds office for a period of six years or up to the age of 65 years, whichever is earlier. He can resign any time from his office by addressing the resignation letter to the president. He can also be removed by the president on same grounds and in the same manner as a judge of the Supreme Court. In other words, he can be removed by the president on the basis of a resolution passed to that effect by both the Houses of Parliament with special majority, either on the ground of proved misbehaviour or incapacity.



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3. The Constitution has made the following provisions to safeguard and ensure the independence of CAG:
 1. He is provided with the security of tenure. He can be removed by the president only in accordance with the procedure mentioned in the Constitution. Thus, he does not hold his office till the pleasure of the president, though he is appointed by him.
 2. He is not eligible for further office, either under the Government of India or of any state, after he ceases to hold his office.
 3. His salary and other service conditions are determined by the Parliament. His salary is equal to that of a judge of the Supreme Court.
 4. Neither his salary nor his rights in respect of leave of absence, pension or age of retirement can be altered to his disadvantage after his appointment.
 5. The conditions of service of persons serving in the Indian Audit and Accounts Department and the administrative powers of the CAG are prescribed by the president after consultation with the CAG.
 6. The administrative expenses of the office of the CAG, including all salaries, allowances and pensions of persons serving in that office are charged upon the Consolidated Fund of India. Thus, they are not subject to the vote of Parliament.

Further, no minister can represent the CAG in Parliament (both Houses) and no minister can be called upon to take any responsibility for any actions done by him.
4. The Constitution (Article 149) authorises the Parliament to prescribe the duties and powers of the CAG in relation to the accounts of the Union and of the states and of any other authority or body. Accordingly, the Parliament enacted the CAG's (Duties, Powers and Conditions of Service) act, 1971.
5.
 - 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.
 - The appropriation accounts compare the actual expenditure with the expenditure sanctioned by the Parliament through the Appropriation Act, while the finance accounts show the annual receipts and disbursements of the Union government.



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6.

- The role of CAG is to uphold the Constitution of India and the laws of Parliament in the field of financial administration. The accountability of the executive (i.e., council of ministers) to the Parliament in the sphere of financial administration is secured through audit reports of the CAG.
- The CAG is an agent of the Parliament and conducts audit of expenditure on behalf of the Parliament. Therefore, he is responsible only to the Parliament.

QUESTION 2

Q. In India, other than ensuring that public funds are used efficiently and for intended purpose, what is the importance of the office of the Comptroller and Auditor General (CAG)?

1. CAG exercises exchequer control on behalf of the Parliament when the President of India declares national emergency/financial emergency.
2. CAG reports on the execution of projects or programmes by the ministries are discussed by the Public Accounts Committee.
3. Information from CAG reports can be used by investigating agencies to press charges against those who have violated the law while managing public finances.
4. While dealing with the audit and accounting of government companies, CAG has certain judicial powers for prosecuting those who violate the law.

Which of the statements given above is/are correct? (2012)

- (a) 1, 3 and 4 only
- (b) 2 only
- (c) 2 and 3 only
- (d) 1, 2, 3 and 4

Answer: D



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QUESTION 3

Q. Consider the following statements:

Attorney General of India can

1. take part in the proceedings of the Lok Sabha
2. be a member of a committee of the Lok Sabha
3. speak in the Lok Sabha
4. vote in the Lok Sabha

Which of the statements given above is/are correct? (2013)

- (a) 1 only
- (b) 2 and 4
- (c) 1, 2 and 3
- (d) 1 and 3 only

Answer: D

EXPLANATION

1. The Constitution (Article 76) has provided for the office of the Attorney General for India. He is the highest law officer in the country.
2.
 - The Attorney General (AG) is appointed by the president. He must be a person who is qualified to be appointed a judge of the Supreme Court. In other words, he must be a citizen of India and he must have been a judge of some high court for five years or an advocate of some high court for ten years or an eminent jurist, in the opinion of the president.



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- 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.
3. As the chief law officer of the Government of India, the duties of the AG include the following:
- To give advice to the Government of India upon such legal matters, which are referred to him by the president.
 - To perform such other duties of a legal character that are assigned to him by the president.
 - To discharge the functions conferred on him by the Constitution or any other law.
4. The president has assigned the following duties to the AG
- To appear on behalf of the Government of India in all cases in the Supreme Court in which the Government of India is concerned.
 - To represent the Government of India in any reference made by the president to the Supreme Court under Article 143 of the Constitution.
 - To appear (when required by the Government of India) in any high court in any case in which the Government of India is concerned.
5. In the performance of his official duties, the Attorney General 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.

QUESTION 4

Q. Consider the following statements about the Attorney General of India: (2000)

1. He is appointed by the President of India.
2. He must have the same qualifications as are required for a judge of the Supreme Court.
3. He must be a member of either House of Parliament.
4. He must be removed by impeachment by Parliament.

Which of the above statements are correct?



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- a) 1 & 2
- b) 1 & 3
- c) 2, 3 & 4
- d) 3 & 4

Answer: A

QUESTION 5

Q. Consider the following statements

1. The advocate General of a State in India is appointed by the President of India upon the recommendation of the Governor of the concerned state.
2. As provided in Civil Procedure Code, High Courts have original, appellate and advisory jurisdiction at the state level.

Which of the statement (s) given above is/are correct? (2009)

- (a) 1 Only
- (b) 2 Only
- (c) Both 1 & 2
- (d) Neither 1 nor 2

Answer: D

EXPLANATION

1.

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- The Constitution (Article 165) has provided for the office of the advocate general for the states.

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- He is the highest law officer in the state. Thus he corresponds to the Attorney General of India. The advocate general is appointed by the governor. He must be a person who is qualified to be appointed a judge of a high court. In other words, he must be a citizen of India and must have held a judicial office for ten years or been an advocate of a high court for ten years.
- He holds office during the pleasure of the governor. This means that he may be removed by the governor at any time. He may also quit his office by submitting his resignation to the governor.

QUESTION 6

Q. Which of the following bodies does not/do not find mention in the Constitution? (2013)

1. National Development Council
2. Planning Commission
3. Zonal Councils

Select the correct answer using the codes given below:

- (a) 1 and 2 only
- (b) 2 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

Answer: D

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20. PRESIDENT

QUESTION 1

Q. 1. Consider the following statements (2014)

1. The President shall make rules for the more convenient transaction of the business of the Government of India, and for the allocation among Ministers of the said business.
2. All executive actions of the Government of India shall be expressed to be taken in the name of the Prime Minister.

Which of the statements given above is/are correct ?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Answer: A

EXPLANATION

1. The powers enjoyed and the functions performed by the President can be studied under the following heads.
 - Executive powers
 - Legislative powers
 - Financial powers
 - Judicial powers
 - Diplomatic powers
 - Military powers
 - Emergency powers
2. The executive powers and functions of the President are:



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- All executive actions of the Government of India are formally taken in his name.
- He can make rules specifying the manner in which the orders and other instruments made and executed in his name shall be authenticated.
- He can make rules for more convenient transaction of business of the Union government, and for allocation of the said business among the ministers.
- He appoints the prime minister and the other ministers. They hold office during his pleasure.
- He appoints the attorney general of India and determines his remuneration. The attorney general holds office during the pleasure of the President.
- He can seek any information relating to the administration of affairs of the Union, and proposals for legislation from the prime minister.

3.

- He appoints the comptroller and auditor general of India, the chief election commissioner and other election commissioners, the chairman and members of the Union Public Service Commission, the governors of states, the chairman and members of finance commission, and so on.
- He can require the Prime Minister to submit, for consideration of the council of ministers, any matter on which a decision has been taken by a minister but, which has not been considered by the council.
- He can appoint a commission to investigate into the conditions of SCs, STs and other backward classes.
- He can appoint an inter-state council to promote Centre–state and inter-state cooperation.
- He directly administers the union territories through administrators appointed by him.
- He can declare any area as scheduled area and has powers with respect to the administration of scheduled areas and tribal areas.

QUESTION 2

Q. According to the Constitution of India, it is the duty of the President of India to cause to be laid before the Parliament which of the following?(2012)

1. The Recommendations of the Union Finance Commission



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2. The Report of the Public Accounts Committee
3. The Report of the Comptroller and Auditor General
4. The Report of the National Commission for Scheduled Castes

Select the correct answer using the codes given below :

- (a) 1 only
- (b) 2 and 4 only
- (c) 1, 3 and 4 only
- (d) 1, 2, 3 and 4

Answer: C

EXPLANATION

1. The President is an integral part of the Parliament of India, and enjoys the following legislative powers.
 - He can summon or prorogue the Parliament and dissolve the Lok Sabha. He can also summon a joint sitting of both the Houses of Parliament, which is presided over by the Speaker of the Lok Sabha.
 - He can address the Parliament at the commencement of the first session after each general election and the first session of each year.
 - He can send messages to the Houses of Parliament, whether with respect to a bill pending in the Parliament or otherwise.
 - He can appoint any member of the Lok Sabha to preside over its proceedings when the offices of both the Speaker and the Deputy Speaker fall vacant. Similarly, he can also appoint any member of the Rajya Sabha to preside over its proceedings when the offices of both the Chairman and the Deputy Chairman fall vacant.
 - He nominates 12 members of the Rajya Sabha from amongst persons having special knowledge or practical experience in literature, science, art and social service.
 - He can nominate two members to the Lok Sabha from the Anglo-Indian Community.



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- He can promulgate ordinances when the Parliament is not in session. These ordinances must be approved by the Parliament within six weeks from its reassembly. He can also withdraw an ordinance at any time.
- He lays the reports of the Comptroller and Auditor General, Union Public Service Commission, Finance Commission, and others, before the Parliament.

QUESTION 3

Q. Who of the following shall cause every recommendation made by the Finance Commission to be laid before each House of Parliament? (2010)

- (a) The President of India
- (b) The Speaker of Lok Sabha
- (c) The Prime Minister of India
- (d) The Union Finance Minister

Answer: A

EXPLANATION

- President constitutes a finance commission after every five years to recommend the distribution of revenues between the Centre and the states.
- 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.

QUESTION 4

Q. Which one of the following is part of the electoral college for the election of the President of India but does not form part of the forum for his impeachment? (1996)

- (a) Lok Sabha
- (b) Rajya Sabha



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(c) State Legislative Council

(d) State Legislative Assemblies

Answer: D

EXPLANATION

1. Articles 52 to 78 in Part V of the Constitution deal with the Union executive. The Union executive consists of the President, the Vice-President, the Prime Minister, the council of ministers and the attorney general of India. The President is the head of the Indian State. He is the first citizen of India and acts as the symbol of unity, integrity and solidarity of the nation.
2. The President is elected not directly by the people but by members of electoral college consisting of:
 1. the elected members of both the Houses of Parliament;
 2. the elected members of the legislative assemblies of the states; and
 3. the elected members of the legislative assemblies of the Union Territories of Delhi and Puducherry
 - Thus, the nominated members of both of Houses of Parliament, the nominated members of the state legislative assemblies, the members (both elected and nominated) of the state legislative councils (in case of the bicameral legislature) and the nominated members of the Legislative Assemblies of Delhi and Puducherry do not participate in the election of the President.
 - Where an assembly is dissolved, the members cease to be qualified to vote in presidential election, even if fresh elections to the dissolved assembly are not held before the presidential election.
3. The Constitution provides that there shall be uniformity in the scale of representation of different states as well as parity between the states as a whole and the Union at the election of the President.
4.
 - To achieve this, the number of votes which each elected member of the legislative assembly of each state and the Parliament is entitled to cast at such election shall be determined in the following manner:



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- Every elected member of the legislative assembly of a state shall have as many votes as there are multiples of one thousand in the quotient obtained by dividing the population of the state by the total number of the elected members of the assembly. This can be expressed as:

$$\begin{aligned} &\text{Value of the vote of an MLA} \\ &= \frac{\text{Total population of state}}{\text{Total number of elected members in the state legislative assembly}} \times \frac{1}{1000} \end{aligned}$$

5. Every elected member of either House of Parliament shall have such number of votes as may be obtained by dividing the total number of votes assigned to members of the legislative assemblies of the states by the total number of the elected members of both the Houses of Parliament. This can be expressed as:

$$\begin{aligned} &\text{Value of the vote of an MP} = \\ &\frac{\text{Total value of votes of all MLAs of all states}}{\text{Total number of elected members of Parliament}} \end{aligned}$$

6.
 - The President's election is held in accordance with the system of proportional representation by means of the single transferable vote and the voting is by secret ballot.
 - All doubts and disputes in connection with election of the President are inquired into and decided by the Supreme Court whose decision is final.



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QUESTION 5

Q. Consider the following statements:

In the electoral college for Presidential Election in India.

1. The value of the vote of an elected Member of Legislative Assembly equals: State Population/Number of Elected MLAs of the State $\times 100$
2. The value of the vote of an elected Member of Parliament equals: Total Value of the Votes of all Elected MLAs/Total Number of Elected MPs

Which of these statements is/are correct? (2003)

- (a) 1 Only
- (b) 2 Only
- (c) Both 1 & 2
- (d) Neither 1 nor 2

Answer: B

QUESTION 6

Q. With reference to the election of the President of India, consider the following statements:

1. The value of the vote of each MLA varies from State to State.
2. The value of the vote of MPs of the Lok Sabha is more than the value of the vote of MPs of the Rajya Sabha.

Which of the statements given above is/are correct? (2018)

- (a) 1 only
- (b) 2 only

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- (c) Both 1 and 2
(d) Neither 1 nor 2

Answer: A

QUESTION 7

Q. Consider the following statements in respect of financial emergency under Article 360 of the Constitution of India

1. A proclamation of financial emergency issued shall cease to operate at the expiration of two months, unless, before the expiration of two months, unless, before the expiration of that period, it has been approved by the resolutions of both Houses of Parliament.
2. If any proclamation of financial emergency is in operation, it is competent for the President of India to issue directions for the reduction of salaries and allowances of all or any class of persons, serving in connection with the affairs of the union but excluding the Judges of the Supreme Court and the High Courts.

Which of these statements is/are correct? (2007)

- (a) 1 Only
(b) 2 Only
(c) Both 1 and 2
(d) Neither 1 nor 2

Answer: A

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EXPLANATION

1.
 - Article 360 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.
 - The 38th Amendment Act of 1975 made the satisfaction of the president in declaring a Financial Emergency final and conclusive and not questionable in any court on any ground. But, this provision was subsequently deleted by the 44th Amendment Act of 1978 implying that the satisfaction of the president is not beyond judicial review.
2.
 - A proclamation declaring financial emergency must be approved by both the Houses of Parliament within two months from the date of its issue. However, if the proclamation of Financial Emergency is issued at a time when the Lok Sabha has been dissolved or the dissolution of the Lok Sabha takes place during the period of two months without approving the proclamation, then the proclamation survives until 30 days from the first sitting of the Lok Sabha after its reconstitution, provided the Rajya Sabha has in the meantime approved it.
 - 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
 2. 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.
3. The consequences of the proclamation of a Financial Emergency are as follows:
 - The executive authority of the Centre extends (a) to directing any state to observe such canons of financial propriety as are specified by it; and (b) to directions as the President may deem necessary and adequate for the purpose.

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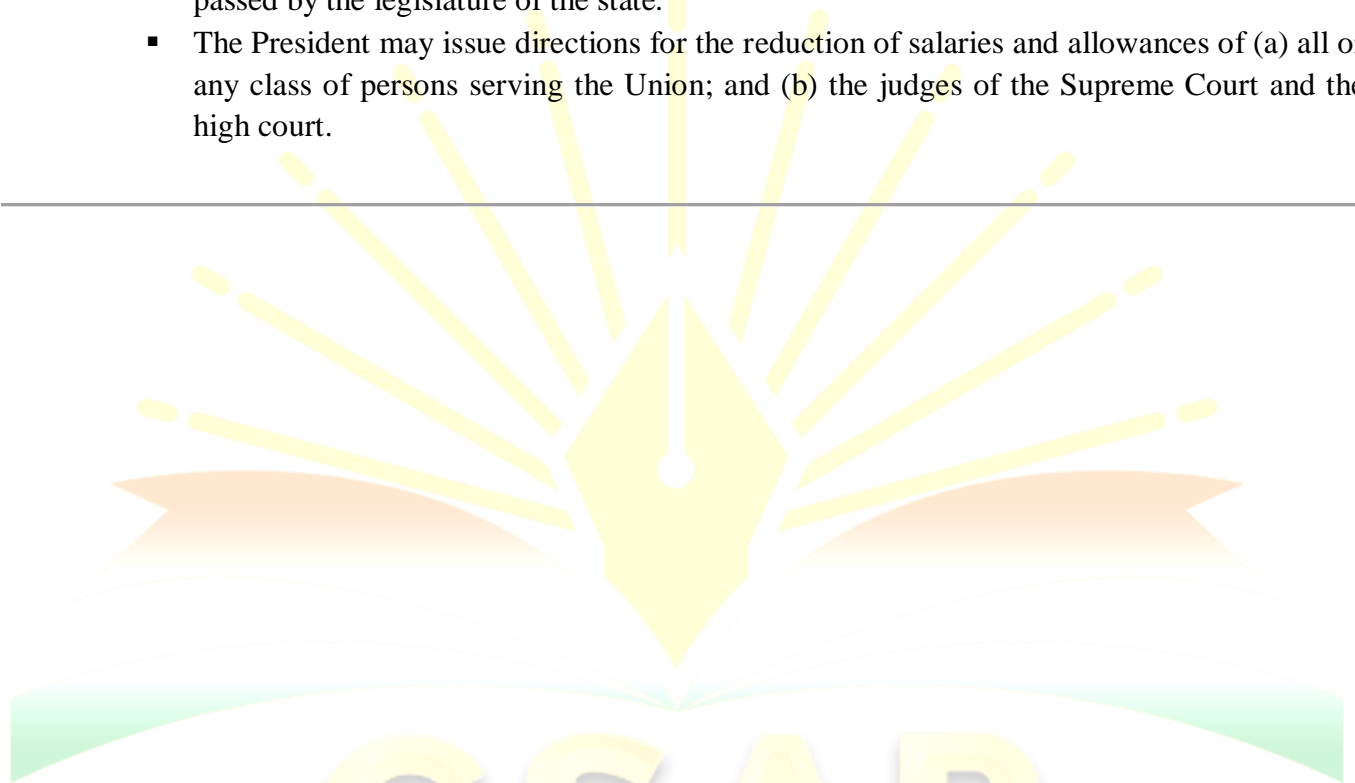


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- Any such direction may include a provision requiring (a) the reduction of salaries and allowances of all or any class of persons serving in the state; and (b) the reservation of all money bills or other financial bills for the consideration of the President after they are passed by the legislature of the state.
- The President may issue directions for the reduction of salaries and allowances of (a) all or any class of persons serving the Union; and (b) the judges of the Supreme Court and the high court.



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21. PRIME MINISTER AND COUNCIL OF MINISTERS

QUESTION 1

Q. Which one of the following statements is correct? (1996)

The Prime Minister of India

- a) is free to choose his minister only from among those who are members of either House of Parliament
- b) can choose his cabinet colleagues after due counselling by the President of India in this regard
- c) has full discretion in the choice of persons who are to serve as ministers in his cabinet
- d) has only limited powers in the choice of his cabinet colleagues because of the discretionary powers vested with the President of India

Answer: C

EXPLANATION

1. In the scheme of parliamentary system of government provided by the constitution, the President is the nominal executive authority (de jure executive) and Prime Minister is the real executive authority (de facto executive). In other words, president is the head of the State while Prime Minister is the head of the government.
2. The Prime Minister enjoys the following powers as head of the Union council of ministers:
 - He recommends persons who can be appointed as ministers by the president. The President can appoint only those persons as ministers who are recommended by the Prime Minister.
 - He allocates and reshuffles various portfolios among the ministers.
 - He can ask a minister to resign or advise the President to dismiss him in case of difference of opinion.
 - He presides over the meeting of council of ministers and influences its decisions.
 - He guides, directs, controls, and coordinates the activities of all the ministers.
 - He can bring about the collapse of the council of ministers by resigning from office.



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3. The resignation or death of an incumbent Prime Minister automatically dissolves the council of ministers and thereby generates a vacuum. The resignation or death of any other minister, on the other hand, merely creates a vacancy which the Prime Minister may or may not like to fill.

QUESTION 2

Q. The Prime Minister of India, at the time of his/her appointment (2012)

- a) need not necessarily be a member of one of the Houses of the Parliament but must become a member of one of the Houses within six months
- b) need not necessarily be a member of one of the Houses of the Parliament but must become a member of the Lok Sabha within six months
- c) must be a member of one of the Houses of the Parliament
- d) must be a member of the Lok Sabha

Answer: A

EXPLANATION

1.
 - The Constitution does not contain any specific procedure for the selection and appointment of the Prime Minister. Article 75 says only that the Prime Minister shall be appointed by the president.
 - However, this does not imply that the president is free to appoint any one as the Prime Minister. In accordance with the conventions of the parliamentary system of government, the President has to appoint the leader of the majority party in the Lok Sabha as the Prime Minister. But, when no party has a clear majority in the Lok Sabha, then the President may exercise his personal discretion in the selection and appointment of the Prime Minister.
 - President usually appoints the leader of the largest party or coalition in the Lok Sabha as the Prime Minister and asks him to seek a vote of confidence in the House within a month.



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2. In 1997, the Supreme Court held that a person who is not a member of either House of Parliament can be appointed as Prime Minister for six months, within which, he should become a member of either House of Parliament; otherwise, he ceases to be the Prime Minister.
3. Prime Minister may be a member of any of the two Houses of parliament. For example, three Prime Ministers, Indira Gandhi (1966), Deve Gowda (1996) and Manmohan Singh (2004), were members of the Rajya Sabha.

QUESTION 3

Q. In India, who is the Chairman of the National Water Resources Council?(2009)

- (a) Prime Minister
- (b) Minister of Water Resources
- (c) Minister of Environment and Forests
- (d) Minister of Science and Technology

Answer: D

EXPLANATION

1. Prime Minister has various roles. He is the chairman of:

The Planning Commission,

- National Development Council, National
- Integration Council,
- Inter-State Council
- National Water Resources Council
- National Ganga River Basin Authority
- National Disaster Management Authority
- National Commission for Population Control
- Nuclear Command Authority
- Council of Scientific and Industrial Research



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2.

- He plays a significant role in shaping the foreign policy of the country.
- He is the chief spokesman of the Union government.
- He is the crisis manager-in-chief at the political level during emergencies.
- As a leader of the nation, he meets various sections of people in different states and receives memoranda from them regarding their problems, and so on.
- He is leader of the party in power.
- He is political head of the services.

QUESTION 4

Q. Which of the following is/are the function/functions of the Cabinet Secretariat? (2014)

1. Preparation of agenda for Cabinet Meetings
2. Secretariat assistance to Cabinet Committees
3. Allocation of financial resources to the Ministries

Select the correct answer using the code given below:

- (a) 1 only
- (b) 2 and 3 only
- (c) 1 and 2 only
- (d) 1, 2 and 3

Answer: C

EXPLANATION

1. The Cabinet Secretariat functions directly under the Prime Minister. The administrative head of the Secretariat is the Cabinet Secretary who is also the ex-officio Chairman of the Civil Services Board. The business allocated to Cabinet Secretariat under Government of India (Allocation of Business) Rules, 1961 includes:



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- Secretarial assistance to the Cabinet and Cabinet Committees;
 - Rules of Business.
2. The Cabinet Secretariat is responsible for the administration of the Government of India (Transaction of Business) Rules, 1961 and Government of India (Allocation of Business) Rules, 1961 facilitating smooth transaction of business in Ministries/ Departments. The Secretariat assists in decision-making in Government by ensuring Inter-Ministerial coordination, ironing out differences amongst Ministries/Departments and evolving consensus through the instrumentality of the standing/adhoc Committees of Secretaries.
3. The secretarial assistance, provided by Cabinet Secretariat to the Cabinet and Cabinet committees, includes:
- Convening of the meetings of the Cabinet & its Committees on the orders of the Prime Minister.
 - Preparation and circulation of the agenda.
 - Circulation of papers related to the cases on the agenda.
 - Preparation of record of discussions.
 - Circulation of the record of discussions after obtaining the approval of the Prime Minister.
 - Monitoring implementation of decisions taken by the Cabinet and its Committees.
- The Cabinet Secretariat is the custodian of the papers of the Cabinet meetings.

QUESTION 5

Q. Consider the following statements (2015)

1. The Executive Power of the Union of India is vested in the Prime Minister.
2. The Prime Minister is the ex Officio Chairman of the Civil Services Board.

Which of the statements given above is/are correct ?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2

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(d) Neither 1 nor 2

Answer: D

QUESTION 6

Q. With reference to Union Government, consider the following statements: (2009)

1. The Constitution of India provides that all Cabinet Ministries shall be compulsorily the sitting members of Lok Sabha only
2. The Union Cabinet Secretariat operates under the direction of the Ministry of Parliamentary Affairs.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Answer: D

QUESTION 7

Q. Consider the following statements (2013)

1. The Council of Ministers in the Centre shall be collectively responsible to the Parliament.
2. The Union Ministers shall hold the office during the pleasure of the President of India.
3. The Prime Minister shall communicate to the President about the proposals for legislation.

Which of the statements given above is/are correct?



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- (a) 1 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

Answer: B

EXPLANATION

1.
 - As the Constitution of India provides for a parliamentary system of government modelled on the British pattern, the council of ministers headed by the prime minister is the real executive authority in our politico-administrative system.
 - Article 74 deals with the status of the council of ministers while Article 75 deals with the appointment, tenure, responsibility, qualification, oath and salaries and allowances of the ministers.
2. Article 74 Council of Ministers to aid and advise President
 - There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice. However, the President may require the Council of Ministers to reconsider such advice and the President shall act in accordance with the advice tendered after such reconsideration.
 - The advice tendered by Ministers to the President shall not be inquired into in any court.
3. Article 75 - Other Provisions as to Ministers
 - The Prime Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Prime Minister.
 - The total number of ministers, including the Prime Minister, in the Council of Ministers shall not exceed 15% of the total strength of the Lok Sabha. The provision was added by the 91st Amendment Act of 2003.



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- A member of either house of Parliament belonging to any political party who is disqualified on the ground of defection shall also be disqualified to be appointed as a minister. This provision was also added by the 91st Amendment Act of 2003.
- The ministers shall hold office during the pleasure of the President.
- The council of ministers shall be collectively responsible to the Lok Sabha.
- The President shall administer the oaths of office and secrecy to a minister.
- A minister who is not a member of the Parliament (either house) for any period of six consecutive months shall cease to be a minister.
- The salaries and allowances of ministers shall be determined by the Parliament.

QUESTION 8

Q. Assertion (A) The Council of Minister in the Union of India is collectively responsible both to the Lok Sabha and the Rajya Sabha.

Reason (R) The members of both the Lok Sabha and the Rajya Sabha are eligible to be the Minister of the Union Government. (2007)

- a) Both A and R are individually true and R is the correct explanation of A
- b) Both A and R are individually true, but R is not the correct explanation of A
- c) A is true, but R is false
- d) A is false, but R is true

Answer: D

QUESTION 9

Q. Which one of the following Constitutional Amendments states that the total number of Ministers, including the Prime Minister, in the Council of Ministers shall not exceed fifteen percent of the total number of members of the House of the People?(2009)

- (a) 90th

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(b) 91st

(c) 92nd

(d) 93rd

Answer: B

QUESTION 10

Q. The resolution for removing the Vice-President of India can be moved in the (2004)

a) Lok Sabha

b) Either House of Parliament

c) Joint Sitting of Parliament

d) Rajya Sabha alone

Answer: D

EXPLANATION

1.

- The Vice-President holds office for a term of five years from the date on which he enters upon his office. However, he can resign from his office at any time by addressing the resignation letter to the President. He can also be removed from the office before completion of his term.
- A formal impeachment is not required for his removal. He can be removed by a resolution of the Rajya Sabha passed by an absolute majority (ie, a majority of the total members of the House) and agreed to by the Lok Sabha. But, no such resolution can be moved unless at least 14 days' advance notice has been given. Notably, no ground has been mentioned in the Constitution for his removal.

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



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22. STATE GOVERNMENT

QUESTION 1

Q. Article 156 of the Constitution of India provides that a Governor shall hold office for a term of five years from the date on which he enters upon his office. Which of the following can be deduced from this? (1995)

1. No Governor can be removed from his office till the completion of his term.
 2. No Governor can continue in office beyond a period of five years.
- a) 1 only
(b) 2 only
(c) Both 1 & 2
(d) Neither 1 nor 2

Answer: D

EXPLANATION

1. Articles 153 to 167 in Part VI of the Constitution deal with the state executive. The state executive consists of the governor, the chief minister, the council of ministers and the advocate general of the state. Thus, there is no office of vice-governor (in the state) like that of Vice-President at the Centre.
2.
 - The governor is the chief executive head of the state. But, like the president, he is a nominal executive head (titular or constitutional head). The governor also acts as an agent of the central government. Therefore, the office of governor has a dual role. Usually, there is a governor for each state, but the 7th Constitutional Amendment Act of 1956 facilitated the appointment of the same person as a governor for two or more states. The Constitution lays down only two qualifications for the appointment of a person as a governor. These are:



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- ✓ He should be a citizen of India.
- ✓ He should have completed the age of 35 years.

3.

- 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.
- The Supreme Court held that the pleasure of the President is not justifiable. The governor has no security of tenure and no fixed term of office. He may be removed by the President at any time.
- 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.

QUESTION 2

Q. Which of the following are the discretionary powers given to the Governor of a State? (2014)

1. Sending a report to the President of India for imposing the President's rule
2. Appointing the Ministers
3. Reserving certain bills passed by the State Legislature for consideration of the President of India
4. Making the rules to conduct the business of the State Government

Select the correct answer using the code given below:

- (a) 1 and 2 only
- (b) 1 and 3 only
- (c) 2, 3 and 4 only
- (d) 1, 2, 3 and 4

Answer: B



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EXPLANATION

1. During the normal circumstances, Governor acts according to advice of his Council of Ministers. However, Constitution has also vested the Governor with certain discretionary powers, which he can use without the aid and advice of the Council of Ministers or in other words, in the discharge of these functions the Governor concerned is not bound to seek or accept the advice of his council of Ministers.
2. The governor has constitutional discretion in the following cases:
 - Reservation of a bill for the consideration of the President.
 - Recommendation for the imposition of the President's Rule in the state.
 - Determining the amount payable by the Government of Assam, Meghalaya, Tripura and Mizoram to an autonomous Tribal District Council as royalty accruing from licenses for mineral exploration
 - Seeking information from the chief minister with regard to the administrative and legislative matters of the state.
3. In addition to the above constitutional discretion (i.e., the express discretion mentioned in the Constitution), the governor, like the president, also has situational discretion (i.e., the hidden discretion derived from the exigencies of a prevailing political situation) in the following cases:
 - Appointment of chief minister when no party has a clear-cut majority in the state legislative assembly or when the chief minister in office dies suddenly and there is no obvious successor.
 - Dismissal of the council of ministers when it cannot prove the confidence of the state legislative assembly.
 - Dissolution of the state legislative assembly if the council of ministers has lost its majority.

QUESTION 3

Q. Which one of the following authorities makes recommendation to the Governor of a State as to the principles for determining the taxes and duties which may be appropriated by the Panchayats in that particular State? (2010) *Leadership through knowledge...*

- (a) District Planning Committees
- (b) State Finance Commission



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(c) Finance Ministry of that State

(d) Panchayati Raj Ministry of that State

Answer: B

EXPLANATION

The financial powers and functions of the governor are:

- He sees that the Annual Financial Statement (state budget) is laid before the state legislature.
- Money bills can be introduced in the state legislature only with his prior recommendation.
- No demand for a grant can be made except on his recommendation.
- He can make advances out of the Contingency Fund of the state to meet any unforeseen expenditure.
- He constitutes a finance commission after every five years to review the financial position of the panchayats and the municipalities.

QUESTION 4

Q Consider the following statements : (2016)

1. The Chief Secretary in a State is appointed by the Governor of that State.

2. The Chief Secretary in a State has a fixed tenure.

Which of the statements given above is/are correct?

(a) 1 only

(b) 2 only

(c) Both 1 and 2

(d) Neither 1 nor 2

Answer: D



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EXPLANATION

- The Chief Secretary is the administrative head of state administrative in India. He is, in many ways, the counterpart, at the state level, of the Cabinet Secretary. As the chief coordinator of the state secretariat and other administrative departments and as head of the civil services, he is the pivot of the state governance system.
- The incumbent to the post of Chief Secretary is chosen by the Chief Minister of the State. The issue of an appropriate degree of security of tenure has been a central problem of personnel policies.
- There is no fixed tenure for the post of Chief Secretary. In this context, the Administrative Reform Commission, in its report on State Administration in 1969, had recommended that a Chief Secretary should have a minimum tenure of three to four years. This suggestion has, however, not been accepted and has not been considered feasible.

QUESTION 5

Q. Consider the following statements

The Constitution of India provides that

1. The Legislative Assembly of each state shall consist of not more than 450 members chosen by direct election from territorial constituencies in the state.
2. A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of a state if he/she is less than 25 years age.

Which of the Statement(s) given above is/are correct? (2008)

- a) Only 1
- b) Only 2
- c) Both 1 and 2
- d) Neither 1 nor 2

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Answer: B

EXPLANATION

1. The legislative assembly consists of representatives directly elected by the people on the basis of universal adult franchise. Its maximum strength is fixed at 500 and minimum strength at 60. It means that its strength varies from 60 to 500 depending on the population size of the state. However, in case of Arunachal Pradesh, Sikkim and Goa, the minimum number is fixed at 30 and in case of Mizoram and Nagaland, it is 40 and 46 respectively. Further, some members of the legislative assemblies in Sikkim and Nagaland are also elected indirectly.
2. The governor can nominate one member from the Anglo-Indian community, if the community is not adequately represented in the assembly. Originally, this provision was to operate for ten years (ie, upto 1960). But this duration has been extended continuously since then by 10 years each time. Now, under the 95th Amendment Act of 2009, this is to last until 2020.
3. The Constitution lays down the following qualifications for a person to be chosen a member of the state legislature.
He must be a citizen of India.
He must make and subscribe to an oath or affirmation before the person authorised by the Election Commission for this purpose. In his oath or affirmation, he swears
 - To bear true faith and allegiance to the Constitution of India
 - To uphold the sovereignty and integrity of IndiaHe must be not less than 30 years of age in the case of the legislative council and not less than 25 years of age in the case of the legislative assembly.
He must possess other qualifications prescribed by Parliament.

QUESTION 6

Q. Consider the following statements (2015)

1. The Legislative Council of a State in India can be larger in size than half of the Legislative Assembly of that particular State.
2. The Governor of a State nominates the Chairman of Legislative Council of that particular



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State.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Answer: D

EXPLANATION

1.
 - The members of the legislative council are indirectly elected. The maximum strength of the council is fixed at one-third of the total strength of the assembly and the minimum strength is fixed at 40.
 - It means that the size of the council depends on the size of the assembly of the concerned state. This is done to ensure the predominance of the directly elected House (assembly) in the legislative affairs of the state. Though the Constitution has fixed the maximum and the minimum limits, the actual strength of a Council is fixed by Parliament.
2. Manner of Election Of the total number of members of a legislative council:
 - 1/3 are elected by the members of local bodies in the state like municipalities, district boards, etc.,
 - 1/12 are elected by graduates of three years standing and residing within the state,
 - 1/12 are elected by teachers of three years standing in the state, not lower in standard than secondary school,
 - 1/3 are elected by the members of the legislative assembly of the state from amongst persons who are not members of the assembly, and
 - the remainder are nominated by the governor from amongst persons who have a special knowledge or practical experience of literature, science, art, cooperative movement and social service.



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Thus, 5/6 of the total number of members of a legislative council are indirectly elected and 1/6 are nominated by the governor. The members are elected in accordance with the system of proportional representation by means of a single transferable vote.

3. The Chairman is elected by the council itself from amongst its members. The Chairman vacates his office in any of the following three cases:
- if he ceases to be a member of the council;
 - if he resigns by writing to the deputy chairman; and
 - if he is removed by a resolution passed by a majority of all the then members of the council. Such a resolution can be moved only after giving 14 days advance notice.

QUESTION 7

Q. Consider the following statements: (2018)

1. The Speaker of the Legislative Assembly shall vacate his/her office if he/she ceases to be a member of the assembly.
2. Whenever the Legislative Assembly is dissolved, the Speaker shall vacate his/her office immediately.

Which of the statements given above is/are correct ?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Answer: A

EXPLANATION

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1. The Speaker is elected by the assembly itself from amongst its members. Usually, the Speaker remains in office during the life of the assembly. However, he vacates his office earlier in any of the following three cases:



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- if he ceases to be a member of the assembly;
- if he resigns by writing to the deputy speaker; and
- if he is removed by a resolution passed by a majority of all the then members of the assembly. Such a resolution can be moved only after giving 14 days advance notice.

Provided further that, whenever the Assembly is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the Assembly after the dissolution.

QUESTION 8

Q. Which one of the following States of India does not have a Legislative Council so far even though the Constitution (Seventh Amendment) Act, 1956 provides for it? (1995)

- (a) Maharashtra
- (b) Bihar
- (c) Karnataka
- (d) Madhya Pradesh

Answer: D

EXPLANATION

- There is no uniformity in the organization of state legislature. Most of the states have an unicameral system, while other have a bicameral system. At present (March, 2019), only seven states have two Houses (Bicameral). There are Andhra Pradesh, Telangana, Uttar Pradesh, Bihar, Maharashtra, Karnataka and Jammu and Kashmir.
- The 7th Amendment Act of 1956 provided for a Legislative Council in Madhya Pradesh. However, a notification to this effect has to be made by the President. So far, no such notification has been made. Hence, Madhya Pradesh continues to have one House only.

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23. JUDICIARY (PART I)- SUPREME COURT

QUESTION 1

Q. Who/Which of the following is the custodian of the Constitution of India? (2015)

- (a) The President of India
- (b) The Prime Minister of India
- (c) The Lok Sabha Secretariat
- (d) The Supreme Court of India

Answer: D

EXPLANATION

- Custodian means a person entrusted with the custody or care of something.
- Whenever the Fundamental Rights are denied or restricted, it can be challenged in the Supreme Court under Article 32;
- The dispute between Centre and State, can be settled in the Supreme Court under Article 131;
- Law declared by the Supreme Court shall be binding on all the courts in India under Article 141;
- For the enforcement of decrees - Article 142;
- President of India consulting Supreme Court under Article 143;
- Supreme Court judgments are the law of the land ;
- Whenever a doubt arises regarding the Constitution, the Supreme Court will interpret under Article 147 ;
- Based on the above facts, the Supreme Court takes care of the Constitution. So, simply the Supreme Court is the Custodian of the Constitution.

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QUESTION 2

Q. The power to increase the number of judges in the Supreme Court of India is vested in (2014)

- (a) The President of India
- (b) the Parliament
- (c) The Chief Justice of India
- (d) the Law Commission

Answer: B

EXPLANATION

- Article 124 to 147 in Part V of the Constitution deal with the organization, independence, jurisdiction, powers, procedures and so on of the Supreme Court. The Parliament is also authorised to regulate them.



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- At present, the Supreme Court consists of thirty-one judges (one chief justice and thirty other judges).
- In February 2009, the centre notified an increase in the number of Supreme Court judges from twenty-six to thirty-one, including the Chief Justice of India. This followed the enactment of the Supreme Court (Number of Judges) Amendment Act, 2008.
- Originally, the strength of the Supreme Court was fixed at eight (one chief justice and seven other judges). The Parliament has increased this number of other judges progressively to ten in 1956, to thirteen in 1960, to seventeen in 1977 and to twenty-five in 1986.

QUESTION 3

Q. What is the provision to safeguard the autonomy of the Supreme Court of India? (2012)

1. While appointing the Supreme Court Judges, the President of India has to consult the Chief Justice of India.
2. The Supreme Court Judges can be removed by the Chief Justice of India only.
3. The salaries of the Judges are charged on the Consolidated Fund of India to which the legislature does not have to vote.
4. All appointments of officers and staffs of the Supreme Court of India are made by the Government only after consulting the Chief Justice of India.

Which of the statements given above is/are correct?

- (a) 1 and 3 only
- (b) 3 and 4 only
- (c) 4 only
- (d) 1, 2, 3 and 4

Answer: A



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EXPLANATION

1.
 - The judges of the Supreme Court are appointed by the president. The chief justice is appointed by the president after consultation with such judges of the Supreme Court and high courts as he deems necessary.
 - The other judges are appointed by president after consultation with the chief justice and such other judges of the Supreme Court and the high courts as he deems necessary. The consultation with the chief justice is obligatory in the case of appointment of a judge other than Chief justice.
2.
 - 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.
3.
 - The salaries, allowances, privileges, leave and pension of the judges of the Supreme Court are determined from time to time by the Parliament. They cannot be varied to their disadvantage after their appointment except during a financial emergency.
 - The salaries, allowances and pensions of the judges and the staff as well as all the administrative expenses of the Supreme Court are charged on the Consolidated Fund of India. Thus, they are non-votable by the Parliament (though they can be discussed by it).
4. The Chief Justice of India can appoint officers and servants of the Supreme Court without any interference from the executive. He can also prescribe their conditions of service.

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QUESTION 4

Q. Consider the following statements

1. The Parliament cannot enlarge the jurisdiction of the Supreme Court of India as its jurisdiction is limited to that conferred by the Constitution.
2. The officers and servants of the Supreme Court and High Courts are appointed by the concerned Chief Justice and administrative expenses are charged on the Consolidated fund of India.

Which of the statements given above is/are correct? (2005)

- (a) Only 1
- (b) Only 2
- (c) Both 1 & 2
- (d) Neither 1 nor 2

Answer: B

EXPLANATION

- The Parliament is not authorised to curtail the jurisdiction and powers of the Supreme Court. The Constitution has guaranteed to the Supreme Court, jurisdiction of various kinds. However, the Parliament can extend the same.
- Supreme Court's jurisdiction and powers with respect to matters in Union List can be enlarged by the Parliament. Further, it's jurisdiction and powers with respect to other matters can be enlarged by a special agreement of the centre and the states.

QUESTION 5

Q. The power to enlarge the jurisdiction of the Supreme Court of India with respect to any matter included in the Union List of Legislative Powers rests with (2003)

- (a) The President of India



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- (b) The Chief Justice of India
- (c) The Parliament
- (d) The Ministry of Law, Justice and Company Affairs

Answer: C

QUESTION 6

Q. The power of the Supreme Court of India to decide disputes between the centre and the states falls under its: (1996)

- (a) Advisory Jurisdiction
- (b) Appellate Jurisdiction
- (c) Original Jurisdiction
- (d) Constitutional Jurisdiction

Answer: C

EXPLANATION

1. The Constitution has conferred a very extensive jurisdiction and vast powers on the Supreme Court. It is also the final interpreter and guardian of the Constitution and guarantor of the fundamental rights of the citizens. Further, it has advisory and supervisory powers.

The jurisdiction and powers of the Supreme Court can be classified into the following:

- Original Jurisdiction.
- Writ Jurisdiction.
- Appellate Jurisdiction.
- Advisory Jurisdiction.
- A Court of Record.
- Power of Judicial Review.



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2. As a federal court, the Supreme Court decides the disputes between different units of the Indian Federation. More elaborately, any dispute between: (Original Jurisdiction: Article 131)
- the Centre and one or more states; or
 - the Centre and any state or states on one side and one or more states on the other; or
 - between two or more states.

In the above federal disputes, the Supreme Court has exclusive original jurisdiction. Exclusive means, no other court can decide such disputes and original means, the power to hear such disputes in the first instance, not by way of appeal.

With regard to the exclusive original jurisdiction of the Supreme Court, two points should be noted. One, the dispute must involve a question (whether of law or fact) on which the existence or extent of a legal right depends. Thus, the questions of political nature are excluded from it.

QUESTION 7

Q. The power of the Supreme Court of India to decide disputes between the Centre and the States falls under its (2014)

- (a) advisory jurisdiction
- (b) appellate jurisdiction
- (c) original jurisdiction
- (d) writ jurisdiction

Answer: C

QUESTION 8

Q. Which of the following are included in the original jurisdiction of the Supreme Court? (2012)

1. A dispute between the Government of India and one or more States
2. A dispute regarding elections to either House of the Parliament or that of Legislature of a State
3. A dispute between the Government of India and a Union Territory



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4. A dispute between two or more States

Select the correct answer using the codes given below :

- (a) 1 and 2
- (b) 2 and 3
- (c) 1 and 4
- (d) 3 and 4

Answer: C

QUESTION 9

Q. The Supreme Court of India tenders advice to the President on a matter of law or fact (2001)

- (a) On its own initiative
- (b) Only if he seeks such advice
- (c) Only if the matter relates to the Fundamental Rights of Citizens
- (d) Only if the issue poses a threat to the unity and integrity of the country

Answer: B

EXPLANATION

The Constitution (Article 143) authorises the president to seek the opinion of the Supreme Court in the two categories of matters:

- On any question of law or fact of public importance which has arisen or which is likely to arise.
- On any dispute arising out of any pre-constitution treaty, agreement, covenant, engagement, or other similar instruments.
- In the first case, the Supreme Court may tender or may refuse to tender its opinion to the president.

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- But, in the second case, the Supreme Court 'must' tender its opinion to the president. In both the cases, the opinion expressed by the Supreme Court is only advisory and not a judicial pronouncement. Hence, it is not binding on the president; he may follow or may not follow the opinion.

QUESTION 10

Q. Consider the following statements: (2010)

The Supreme Court of India tenders advice to the President of India on matters of law or fact

1. On its own initiative (on any matter of larger public interest).
2. If he seeks such an advice.
3. Only if the matters relate to the Fundamental Rights of the citizens.

Which of the statement given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) 3 Only
- (d) 1 and 2

Answer: B

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24. JUDICIARY (PART II)- HIGH COURT

QUESTION 1

Q. How many High Courts in India have jurisdiction over more than one State (Union Territories not included)? (2008)

- (a) 2
- (b) 3
- (c) 4
- (d) 5

Answer: B/C

EXPLANATION

- The Constitution of India provides for a high court for each state, but the Seventh Amendment Act of 1956 authorised the Parliament to establish a common high court for two or more states or for two or more states and a union territory. The territorial jurisdiction of a high court is co-terminus with the territory of a state. Similarly, the territorial jurisdiction of a common high court is co-terminus with the territories of the concerned states and union territory.
- At present, there are 24 high courts in the country. Out of them, 4 are common high courts. Delhi is the only union territory that has a high court of its own (since 1966). The other union territories fall under the jurisdiction of different state high courts. The Parliament can extend the jurisdiction of a high court to any union territory or exclude the jurisdiction of a high court from any union territory.

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Name of High Court	Territorial Jurisdiction
Hyderabad	Andhra Pradesh and Telangana
Bombay	Maharashtra, Goa, Dadra and Nagar Haveli and Daman and Diu
Calcutta	West Bengal and Andaman and Nicobar Islands
Guwahati	Assam, Nagaland, Mizoram and Arunachal Pradesh
Kerala	Kerala and Lakshadweep
Madras	Tamil Nadu and Puducherry
Punjab and Haryana	Punjab, Haryana and Chandigarh

QUESTION 2

Q. Which one of the following High Courts has the Territorial Jurisdiction over Andaman and Nicobar Islands? (2003)

- (a) Andhra Pradesh
- (b) Kolkata
- (c) Chennai
- (d) Odisha

Answer: B

QUESTION 3

Q. Assertion (A) In India, every state has a High Court in its territory.

Reason (R) The constitution of India provides a High court in each state.

Codes (2006)



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- (a) Both A and R are true and R is the correct explanation of A
- (b) Both A and R are true but R is not the correct explanation of A
- (c) A is true but R is false
- (d) A is false but R is true

Answer: D

QUESTION 4

Q. Consider the following statements

1. There are 25 High Courts in India.
2. Punjab, Haryana and the Union Territory of Chandigarh have a common High Court.
3. National Capital Territory of Delhi has a High Court of its own.

Which of the statement(s) given above is/are correct? (2005)

- (a) 2 and 3
- (b) 1 and 2
- (c) 1,2 and 3
- (d) Only 3

Answer: A

QUESTION 5

Q. Consider the following statements regarding the High Courts in India

1. There are eighteen High Courts in the country.
2. Three of them have jurisdiction over more than one state.



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3. No Union Territory has High Court of its own.

4. Judges of the High Court hold office till the age of 62.

Which of these statements is/are correct? (2001)

- (a) 1, 2 & 4
- (b) 2 and 3
- (c) 1 and 4
- (d) Only 4

Answer: D

EXPLANATION

The Constitution has not fixed the tenure of a judge of a high court. However, it makes the following four provisions in this regard:

- He holds office until he attains the age of 62 years. Any questions regarding his age is to be decided by the president after consultation with the chief justice of India and the decision of the president is final.
- He can resign his office by writing to the president.
- He can be removed from his office by the President on the recommendation of the Parliament.
- He vacates his office when he is appointed as a judge of the Supreme Court or when he is transferred to another high court.

QUESTION 6

Q. The salaries and allowances of the Judges of the High Court are charged to the (2002)

- (a) Consolidated Fund of India
- (b) Consolidated Fund of the State

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(c) Contingency Fund of India

(d) Contingency Fund of the State

Answer: B

EXPLANATION

- The salaries, allowances, privileges, leave and pension of the judges of a high court are determined from time to time by the Parliament. They cannot be varied to their disadvantage after their appointment except during a financial emergency.
- The salaries and allowances of the judges, the salaries, allowances and pensions of the staff as well as the administrative expenses of a high court are charged on the consolidated fund of the state. Thus, they are non-votable by the state legislature (though they can be discussed by it). It should be noted here that the pension of a high court judge is charged on the Consolidated Fund of India and not the state.

QUESTION 7

Q. Consider the following statements

1. The mode of removal of a Judges of a High Court in India is same as that of removal of a Judge of the Supreme Court.
2. After retirement from the office, a permanent Judge of a High Court cannot plead or act in any court or before any authority in India.

Which of the statement (s) given is/are correct? (2007)

- (a) Only 1
(b) Only 2
(c) Both 1 and 2
(d) Neither 1 nor 2



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Answer: A

EXPLANATION

1.
 - A judge of a high 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 the 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 (i.e., a majority of the total membership of that House and 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. Thus, a judge of a high court can be removed in the same manner and on the same grounds as a judge of the Supreme Court.
2.
 - The retired permanent judges of a high court are prohibited from pleading or acting in any court or before any authority in India except the Supreme Court and the other high courts. This ensures that they do not favour any one in the hope of future favour.
 - At any time, the chief justice of a high court of a state can request a retired judge of that high court of any other high court to act as a judge of the high court of that state for a temporary period. He can do so only with the previous consent of the President and also of the person to be so appointed.

QUESTION 8

Q. Consider the following statements

1. A person who has hold office as a permanent judge of a High Court cannot plead or act in any court or before any authority in India except of the Supreme Court.
2. A person is not qualified for appointment as a Judge of a High Court in India unless he has for at least five years hold a judicial office in the territory of India.

Which of the statement(s) given above is/are correct? (2006)

(a) Only 1

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- (b) Only 2
(c) Both 1 and 2
(d) Neither 1 nor 2

Answer: D

EXPLANATION

A person to be appointed as a judge of a high court, should have the following qualifications:

- He should be a citizen of India.
- He should have held a judicial office in the territory of India for ten years; or
- He should have been an advocate of a high court (or high courts in succession) for ten years.

From the above, it is clear that the Constitution has not prescribed a minimum age for appointment as a judge of a high court.

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25. JUDICIARY (PART III)- SUBORDINATE COURTS

QUESTION 1

Q. Consider the following statements

1. The highest criminal court of the district is the Court of District and session judges.
2. The District Judge are appointed by Governor in consultation with the High Court.
3. A person to be eligible for appointment as District Judge should be an advocate or pleader of seven years standing or more, or an officer in judicial service of the Union and the State.
4. When the Session Judge awards death sentence it must be confirmed by the High Court before it is carried out.

Which of the statements given above are correct? (2004)

- (a) 1 and 2
- (b) 2, 3 and 4
- (c) 3 and 4
- (d) All of these

Answer: D

EXPLANATION

1. The state judiciary consists of a high court and a hierarchy of subordinate courts, also known as lower courts. The subordinate courts are so called because of their subordination to the state high court. They function below and under the high court at district and lower levels.
2. *Leadership through knowledge...*
 - Articles 233 to 237 in Part VI of the Constitution make the following provisions to regulate the organization of subordinate courts and to ensure their independence from the executive.

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- The appointment, posting and promotion of district judges in a state are made by the governor of the state in consultation with the high court. A person to be appointed as district judge should have the following qualifications:
 - He should not already be in the service of the Central or the state government.
 - He should have been an advocate or a pleader for seven years.
 - He should be recommended by the high court for appointment.



3.

- The district judge is the highest judicial authority in the district. He possesses original and appellate jurisdiction in both civil as well as criminal matters. In other words, the district judge is also the sessions judge. When he deals with civil cases, he is known as the district judge and when he hears the criminal cases, he is called as the sessions judge. The district judge exercises both judicial and administrative powers.
- The sessions judge has the power to impose any sentence including life imprisonment and capital punishment (death sentence). However, a capital punishment passed by him is subject to confirmation by the High Court, whether there is an appeal or not.



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QUESTION 2

Q. According to the Constitution of India, the term 'District Judge' shall not include (1996)

- (a) Chief Presidency magistrate
- (b) Session Judge
- (c) Tribunal Judge
- (d) Chief Justice of a small court

Answer: C

EXPLANATION

- The expression 'district judge' includes judge of a city civil court, additional district judge, joint district judge, assistant district judge, chief judge of a small cause court, chief presidency magistrate, additional chief presidency magistrate, sessions judge, additional sessions judge and assistant sessions judge.
- The expression 'judicial service' means a service consisting exclusively of persons intended to fill the post of district judge and other civil judicial posts inferior to the post of district judge.

QUESTION 3

Q. With reference to National Legal Services Authority consider the following statements: (2013)

1. Its objective is to provide free and competent legal services to the weaker section of the society on the basis of equal opportunity.
2. It issues guidelines for the State Legal Services Authorities to implement the legal programmes and schemes throughout the country.

Which of the statements given above is/are correct?

- (a) 1 only



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(b) 2 only

(c) Both 1 and 2

(d) Neither 1 nor 2

Answer: C

EXPLANATION

1. National Legal Services Authority of India (NALSA) was formed on 5 December 1995 under the authority of the Legal Services Authorities Act 1987. Its purpose is to provide free legal services to eligible candidates (defined in Sec. 12 of the Act), and to organize Lok Adalats for speedy resolution of cases. Eligible persons include:

1. Women and children
2. Members of SC/ST
3. Industrial workmen
4. Victim of mass disaster, violence
5. Disabled persons
6. Person in custody
7. Persons whose annual income does not exceed Rs. one lakh.

2. The Principal objectives of the NALSA are:

- To provide free and competent legal services to the weaker sections of the society.
- To organize Lok Adalats to for amicable settlements of disputes.
- Spread legal literacy and awareness.
- Undertaking social justice litigations

As per section 3(2) of Legal Service Authorities Act, the Chief Justice of India shall be the Patron-in-Chief and a serving or retired Judge of the Supreme Court nominated by the President, in consultation with the Chief Justice of India, shall be the Executive Chairman.

3.

- In every State, State Legal Services Authority has been constituted to give effect to the policies and directions of the NALSA and to give free legal services to the people and conduct Lok Adalats in the State.



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- In every District, District Legal Services Authority has been constituted to implement Legal Services Programmes in the District.
- The District Legal Services Authority is situated in the District Courts Complex in every District and chaired by the District Judge of the respective district.

QUESTION 4

Q. With reference to Lok Adalats, which of the following statements is correct? (2010)

- (a) Lok Adalats have the jurisdiction to settle the matters at pre-litigative stage and not those matter pending before any court
- (b) Lok Adalats can deal with matters which are civil and not criminal in nature
- (c) Every Lok Adalat consists of either serving or retired judicial officers only and not any other person
- (d) None of the statements given above is correct

Answer: D

EXPLANATION

1.

- 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.

The Supreme Court has explained the meaning of the institution of Lok Adalat in the following way:

- The "Lok Adalat" is an old form of adjudicating system prevailed in ancient India and it's validity has not been taken away even in the modern days too. The word 'Lok Adalat' means 'People's Court'. This system is based on Gandhian principles. It is one of the components of ADR (Alternative Dispute Resolution) system. As the Indian courts are over-burdened with the backlog of cases and regular courts are to decide the cases involving a lengthy, expensive and tedious procedure.



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2.

- The first Lok Adalat camp in the post-independence era was organized in Gujarat in 1982. Lok Adalat has been given statutory status under the Legal Services Authorities Act, 1987.
- Legal Services Authorities Act, 1987 was amended in 2002 to provide for the establishment of the Permanent Lok Adalats to deal with cases pertaining to the public utility services.
- Lok Adalats can deal with matters which are civil and criminal in nature both.
- The Permanent Lok Adalat shall consist of a chairman who is or has been a district judge or additional district judge or has held judicial office higher in rank than that of the district judge and two other persons having adequate experience in public utility services.

QUESTION 5

Q. Consider the following

1. Disputes with mobile cellular companies
2. Motor accident cases
3. Pension cases

For which of the above are Lok Adalats held? (2005)

- (a) Only 1
- (b) 1 and 2
- (c) Only 2
- (d) All of these

Answer: D

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EXPLANATION

1.
 - The Permanent Lok Adalat shall exercise jurisdiction in respect of one or more public utility services such as transport services of passengers or goods by air, road and water, postal, telegraph or telephone services, supply of power, light or water to the public by any establishment, public conservancy or sanitation, services in hospitals or dispensaries and insurance services.
 - 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 Finance cases, Consumer Grievance cases, Electricity matters, Disputes relating to Telephone Bills, Municipal matters including House Tax cases, Dispute with Cellular Companies etc. are being taken up in Lok Adalats.
2. The Lok Adalat shall have the same powers as are vested in a Civil Court under the code of Civil Procedure (1908), while trying a suit in respect of the following matters:
 - The summoning and enforcing the attendance of any witness examining him on oath
 - The discovery and production of any document
 - The reception of evidence on affidavits
 - The requisitioning of any public record or document from any court or office

QUESTION 6

Q. With reference to Lok Adalats, consider the following statements (2009)

1. An award made by a Lok Adalat is deemed to be a decree of a civil court and no appeal lies against thereto before any court.
2. Matrimonial/Family disputes are not covered under Lok Adalat.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only

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- (c) Both 1 and 2
(d) Neither 1 nor 2

Answer: A

QUESTION 7

Q. The concept of Public Interest Litigation originated in (1997)

- (a) The United Kingdom
(b) Australia
(c) United States
(d) Canada

Answer: C

EXPLANATION

- The Concept of Public Interest Litigation (PIL) originated and developed in the USA in the 1960s. In the USA, it was designed to provide legal representation to previously unrepresented groups and interests.
- In India, the PIL is a product of the Judicial Activism role of the Supreme Court. It was introduced in the early 1980s. Justice V.R Krishna Iyer and Justice P.N Bhagwati were the pioneer of the concept of PIL.

QUESTION 8

Q. In India, Judicial Review implies (2017)

- a) the power of the Judiciary to pronounce upon the constitutionality of laws and executive orders.
b) the power of the Judiciary to question the wisdom of the laws enacted by the Legislatures.

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c) the power of the Judiciary to review all the legislative enactments before they are assented to by the President.

d) the power of the Judiciary to review its own judgements given earlier in similar or different cases.

Answer: A

EXPLANATION

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. On examination, if they are found to be violative of the Constitution (Ultra Vires), they can be declared as illegal, unconstitutional and invalid (null and void) by the judiciary.

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

- Judicial review of Constitutional amendments.
 - Judicial review of legislation of the Parliament and State Legislature and subordinate legislations.
 - Judicial review of administrative action of the Union and State and authorities under the state.
-

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26. LOCAL GOVERNANCE

QUESTION 1

Q. Local self-government can be best explained as an exercise in (2017)

- (a) Federalism
- (b) Democratic decentralisation
- (c) Administrative delegation
- (d) Direct democracy

Answer: B

EXPLANATION

1. The 73rd Constitutional Amendment Act, 1992 came into force on 24th April, 1993. The act has given a practical shape to Article 40 of the Constitution which says that, "The State shall take steps to organise village panchayats and endow them with such powers authority as may be necessary to enable them to function as units of self-government. The purpose of this act was to build democracy at the grass root level.
2. It transfers the representative democracy into participatory democracy. It is a revolutionary concept to build democracy at the grass root level in the country.

QUESTION 2

Q. With reference to the 'Gram Nyayalaya Act', which of the following statements is/are correct? (2016)

1. As per the Act, Gram Nyayalayas can hear only civil cases and not criminal cases.
2. The Act allows local social activists as mediators / reconciliators.

Select the correct answer using the code given below.

- (a) 1 only



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- (b) 2 only
(c) Both 1 and 2
(d) Neither 1 nor 2

Answer: B

EXPLANATION

- Gram Nyayalayas Act, 2009 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 Act came into force from 2 October 2009.
- As per the Act, Gram Nyayalayas can hear both criminal and civil cases and appeals in civil cases will have to be disposed of in six months. The Act can also makes the judicial process participatory and decentralised because it allows appointment of local social activists and lawyers as mediators/reconciliators.

QUESTION 3

Q. Consider the following statements: (2016)

1. The minimum age prescribed for any person to be a member of Panchayat is 25 years.
2. A Panchayat reconstituted after premature dissolution continues only for the remainder period.

Which of the statements given above is/are correct?

- (a) 1 only
(b) 2 only
(c) Both 1 and 2
(d) Neither 1 nor 2

Answer: B



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EXPLANATION

1. A candidate for the seat of Member or Sarpanch of Gram Panchayat, must be registered voter in the electoral roll of that Gram Panchayat. A candidate can not be disqualified if he is less than 25 years but more than 21 years.
2.
 - The act provides for a five-year term of office to the panchayat at every level. However, it can be dissolved before the completion of its term. Further, fresh elections to constitute a panchayat shall be completed (a) before the expiry of its duration of five years; or (b) in case of dissolution, before the expiry of a period of six months from the date of its dissolution. The election must take place within the six months of its dissolution.
 - But, where the remainder of the period (for which the dissolved panchayat would have continued) is less than six months, it shall not be necessary to hold any election for constituting the new panchayat for such period.

QUESTION 4

Q. If a Panchayat is dissolved, elections are to be held within: (2009)

- (a) 1 month
- (b) 3 months
- (c) 6 months
- (d) 1 year

Answer: C

QUESTION 5

Q. The fundamental object of Panchayati Raj system is to ensure which among the following? (2016)

1. People's participation in development
2. Political accountability



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3. Democratic decentralization

4. Financial mobilization

Select the correct answer using the code given below.

(a) 1, 2 and 3 only

(b) 2 and 4 only

(c) 1 and 3 only

(d) 1, 2, 3 and 4

Answer: D

EXPLANATION

1. According to 73rd Constitutional Amendment Act, the state legislature may (a) authorise a panchayat to levy, collect and appropriate taxes, duties, tolls and fees; (b) assign to a panchayat taxes, duties, tolls and fees levied and collected by the state government; (c) provide for making grants-in-aid to the panchayats from the consolidated fund of the state; and (d) provide for constitution of funds for crediting all moneys of the panchayats.
2. The act provides for a Gram Sabha as the foundation of the panchayati raj system. It is a body consisting of persons registered in the electoral rolls of a village comprised within the area of Panchayat at the village level. Thus, it is a village assembly consisting of all the registered voters in the area of a panchayat. It may exercise such powers and perform such functions at the village level as the legislature of a state determines.

QUESTION 6

Q. The Government enacted, the Panchayat Extension to Scheduled Areas (PESA) Act in 1996. Which one of the following is not identified as its objective? (2013)

- (a) To provided self-governance
- (b) To recognize traditional rights



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(c) To create autonomous regions in tribal areas

(d) To free tribal people from exploitation

Answer: C

EXPLANATION

1. The provisions of 73rd and 74th Constitutional Amendment Act was not applicable to the 5th Schedule areas. However, the Parliament may extend these provisions to such areas, subject to such exception and modifications as it may specify. Under this provision, the Parliament has enacted the "Provisions of the Panchayats (Extension to Scheduled Area) Act", 1996, popularly known as the PESA Act or the Extension Act.
2. The objectives of the PESA Act are as follows:
 - To extend the provisions of Part IX of the Constitution relating to the panchayats to the scheduled areas with certain modifications
 - To provide self-rule for the bulk of the tribal population
 - To have village governance with participatory democracy and to make the gram sabha a nucleus of all activities
 - To evolve a suitable administrative framework consistent with traditional practices
 - To safeguard and to preserve the traditions and customs of tribal communities
 - To empower panchayats at the appropriate levels with specific powers conducive to tribal requirements
 - To prevent panchayats at the higher level from assuming the powers and authority of panchayats at the lower level of the gram Sabha

QUESTION 7

Q. The Constitution (Seventy-Third Amendment) Act, 1992, which aims at promoting the Panchayati Raj Institutions in the country, provides for which of the following? (2011)

1. Constitution of District Planning Committees.
2. State Election Commissions to conduct all panchayat elections.



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3. Establishment of state Finance Commissions.

Select the correct answer using the codes given below:

- (a) 1 only
- (b) 1 and 2 only
- (c) 2 and 3 only
- (d) 1, 2 and 3

Answer: C

EXPLANATION

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

- Organisation of Gram Sabha in a village or group of villages.
- Establishment of panchayats at the village, intermediate and district levels.
- Direct elections to all seats in panchayats at the village, intermediate and district levels.
- Indirect elections to the post of chairperson of panchayats at the intermediate and district levels.
- 21 years to be the minimum age for contesting elections to panchayats.
- Reservation of seats (both members and chairpersons) for SCs and STs in panchayats at all the three levels.
- Reservation of one-third seats (both members and chairpersons) for women in panchayats at all the three levels.
- Fixing tenure of five years for panchayats at all levels and holding fresh elections within six months in the event of supersession of any panchayat.
- Establishment of a State Election Commission for conducting elections to the panchayats.
- Constitution of a State Finance Commission after every five years to review the financial position of the panchayats.



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QUESTION 8

Q. Which one of the following is incorrect in respect of Local Government in India? (1995)

- a) According to the Indian Constitution, local government is not an independent tier in the federal system
- b) 30% of the seats in local bodies are reserved for women.
- c) Local government finances are to be provided by a Commission.
- d) Elections to local bodies are to be determined by a Commission.

Answer: B

QUESTION 9

Q. What is the system of governance in the Panchayati Raj set-up? (1996)

- a) Single tier structure of local self government at the village level
- b) Two tier system of local self government at the village, and block levels
- c) Three tier structure of local self government at the village, block and district levels
- d) Four tier system of local self government at the village, block, district and state levels

Answer: C

QUESTION 10

Q. Which one of the following was not proposed by the 73rd Constitutional amendment in the area of Panchayati Raj? (1997)

a) Thirty three per cent seats in all elected rural local bodies will be reserved for women candidates at all levels

b) The States will constitute their finance Commission to allocate resources to Panchayati Raj institutions



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- c) The Panchayati Raj elected functionaries will be disqualified to hold their offices if they have more than two children
- d) The elections will be held in six months time, if Panchayati Raj bodies are superseded or dissolved by the State Government

Answer: C

QUESTION 11

Q. The 73rd Constitution Amendment Act, 1992 refers to the (2000)

- a) Generation of gainful employment for the unemployed and the under employed men and women in rural area
- b) Generation of employment for the able bodied adults who are in need and desirous of work during the lean agricultural season
- c) Laying the foundation for strong and vibrant Panchayati Raj Institutions in the country
- d) Guarantee of right to life, liberty and security of person equality before law and equal protection without discrimination

Answer: C

QUESTION 12

Q. In the new Panchayati Raj Bill enacted in 1993, there are several fresh provisions deviating from the past.

Which one of the following is not one such provisions? (1999)

- a) A number of added responsibilities in the area of agriculture, rural development, primary education and social forestry among others
- b) Elections being made mandatory for all posts at the time they are due



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- c) A statutory representation for women in the panchayats, upto a third of the strength
- d) Regular remuneration to the panchayat members, so as to ensure their punctuality and accountability

Answer: D

EXPLANATION

1. The 73rd Amendment act has added a new Part-IX to the Constitution of India. It is entitled as 'The Panchayats' and consists of provisions from Articles 243 to 243 O. In addition, the act has also added a new Eleventh Schedule to the Constitution. This schedule contains 29 functional items of the panchayats. It deals with Article 243-G.
2. Agriculture, including agricultural extension, Land improvement, implementation of land reforms, land consolidation and soil conservation, Minor irrigation, water management and watershed development, Animal husbandry, dairying and poultry, Fisheries, Social forestry and farm forestry, Minor forest produce, Small-scale industries, including food processing industries, Khadi, village and cottage industries, Rural housing, Drinking water, Fuel and fodder, Roads, culverts, bridges, ferries, waterways and other means of communication, Rural electrification, including distribution of electricity, Non-conventional energy sources, Poverty alleviation programme, Education, including primary and secondary schools, Technical training and vocational education, Adult and non-formal education, Libraries, Cultural activities, Markets and fairs, Health and sanitation including hospitals, primary health centres and dispensaries, Family welfare, Women and child development, Social welfare, including welfare of the handicapped and mentally retarded, Welfare of the weaker sections, and in particular, of the scheduled castes and the scheduled tribes, Public distribution system, Maintenance of community assets.

QUESTION 13

Q. A college student desires to get elected to the Municipal Council of his city. The validity of his nomination would depend on the important condition, among others, that (2000)

- a) He obtains permission from the principal of his college
- b) He is a member of a political party



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- c) His name figures in the voters' list
d) He files a declaration owing allegiance to the Constitution of India

Answer: C

QUESTION 14

Q. In the areas covered under the Panchayat (Extension to the Scheduled Areas) Act, 1996, what is the role/power of Gram Sabha? (2012)

1. Gram Sabha has the power to prevent alienation of land in the Scheduled Areas.
2. Gram Sabha has the ownership of minor forest produce.
3. Recommendation of Gram Sabha is required for granting prospecting licence or mining lease for any mineral in the Scheduled Areas.

Which of the statements given above is/are correct?

- (a) 1 only
(b) 1 and 2 only
(c) 2 and 3 only
(d) 1, 2 and 3

Answer: B

EXPLANATION

The provisions of the Panchayats (Extension to the Scheduled Area) Act, 1996 is an act to provide for the extension of the provisions of Part IX of the Constitution relating to the Panchayats to the scheduled areas. Some provisions include the following:

- Every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and customary mode of dispute resolution.



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- The recommendations of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory prior to grant of prospecting licence or mining lease for minor minerals in the scheduled areas.
- The prior recommendation of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory for grant of concession for the exploitation of minor minerals by auction.

QUESTION 15

Q. In India, the first Municipal Corporation was set-up in which one among the following? (2009)

- a) Kolkata
- b) Chennai
- c) Mumbai
- d) Delhi

Answer: B

EXPLANATION

In India, the first Municipal Corporation was set-up in Chennai the capital of Tamil Nadu. In most of the states, Municipal Corporations have been established for major cities under specific Act of Municipal legislature. But now a constitutional basis have been given to local self-government units in urban areas through the 74th Amendment Act.

QUESTION 16

Q. Consider the following statements

1. Part IX of the Constitution of India provisions for Panchayats and was inserted by the Constitution (Amendment) Act, 1992.

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2. Part IX A of the Constitution of India contains provisions for municipalities and the Article 243 Q envisages two types of municipalities – a Municipal Council and a Municipal Corporation for every State.

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Which of the statement(s) given above is/are correct? (2005)

- a) 1 Only
- b) 2 Only
- c) Both 1 and 2
- d) Neither 1 nor 2

Answer: A

EXPLANATION

1. 74th Constitutional Amendment Act, 1992 has added a new Part IX-A to the Constitution of India. It is entitled 'The Municipalities' and consists of provisions from Articles 243-P to 243-ZG. In addition, the act has also added a new Twelfth Schedule to the Constitution. This schedule contains eighteen functional items of municipalities. It deals with Article 243-W.
2. The act provides for the constitution of the following three types of municipalities in every state.
 - A nagar panchayat (by whatever name called) for a transitional area, that is, an area in transition from a rural area to an urban area.
 - A municipal council for a smaller urban area.
 - A municipal corporation for a larger urban area

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