


# POLITY

Previous Year Question Analysis  
2021-2023

enquiries@fortuneias.com | www.fortuneias.com

+91 94950 15888 | +91 81389 40888

 @fortuneias

 @fortune\_ias\_academy



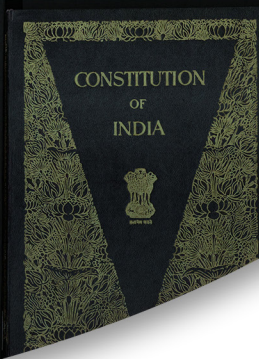
# PREFACE

## **FORTUNE IAS ACADEMY**

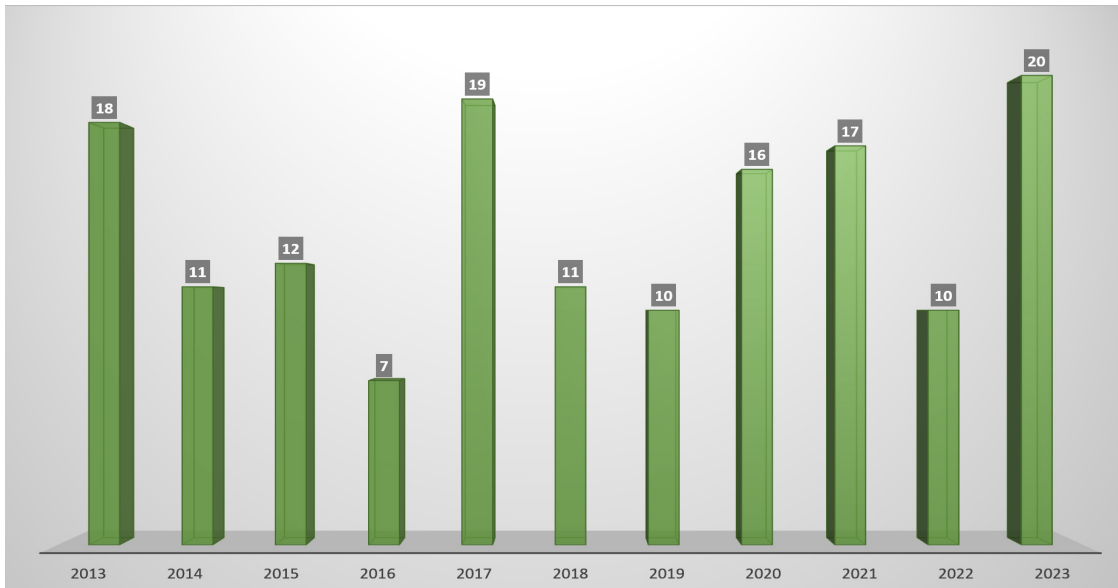
is presenting an in-depth analysis of past year's questions (from 2021 to 2023) and providing comprehensive explanations of the key terms and concepts essential for prelims preparation.



# TREND ANALYSIS



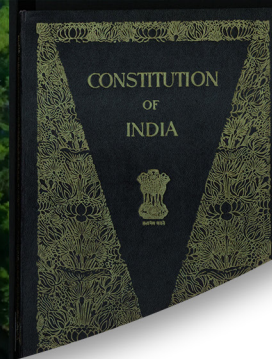
**The following graph examines the pattern of questions from Polity and Governance spanning from 2013 to 2023:**



## Topic wise analysis of previous year questions:

TOPICS/ YEARS	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Union Legislature and Executive	8	4	6	2	6	4	-	2	1	4	4
State Legislature and Executive	-	1	1	1	-	1	2	1	-	-	-
Judiciary	-	2	-	-	1	-	4	1	1	3	1
Constitutional, Statutory and Regulatory bodies	5	1	-	-	1	-	-	-	-	1	1
Fundamental Rights	-	-	-	-	1	1	1	1	3	-	2
DPSP	1	1	2	-	1	-	-	3	1	-	-
Fundamental Duties	-	-	1	-	1	-	-	-	-	-	-
Local Self Government	1	-	1	2	-	-	-	-	-	-	-
Preamble and Salient features of the Constitution	1	-	-	-	4	-	-	3	3	-	-
Schedules	-	1	1	-	-	1	1	-	-	2	1
Citizenship	-	-	-	-	-	-	-	-	1	-	-
Emergency	-	-	-	-	1	1	-	-	-	-	-
Government Schemes	-	-	-	2	-	-	-	1	-	-	3
Statutory laws and its regulations	1	-	-	-	-	1	1	1	3	-	5
Constituent Assembly	1	-	-	-	-	-	-	-	-	-	1
Key Terms	-	1	-	-	3	2	1	3	4	-	2

# STRATEGIC ANALYSIS



## **THE QUESTIONS FROM THE PAST THREE YEARS ARE DIVIDED INTO FOUR CATEGORIES:**

### **Factual questions**

It demands basic facts from static sources like NCERT, class notes, and other standard materials.

### **Current affairs questions**

Current affairs questions demands general awareness about current events of National and International importance.

### **Conceptual questions**

Such questions require knowledge of fundamental concepts along with conceptual clarity.

### **Application questions**

It demands application of factual and conceptual knowledge to current events.

## **THE QUESTIONS ARE CLASSIFIED BASED ON ITS DIFFICULTY LEVEL:**

### **EASY**

The questions which can be answered from basics (NCERTs, and class notes) and does not need deep knowledge. Such questions are typically cracked by aspirants.

### **MODERATE**

Moderate questions require decent level of conceptual clarity along with cognitive analysis. It can be solved through constant practice and revision.

### **HARD**

Hard questions demand deeper understanding of concepts with critical thinking skills. Most of the aspirants leave such questions due to its increased difficulty.

**Wishing you a productive and enjoyable learning experience!!**

# 2021-PRELIMS PREVIOUS YEAR QUESTIONS

## Type of the questions: Factual

1. Which one of the following best defines the term "State"?

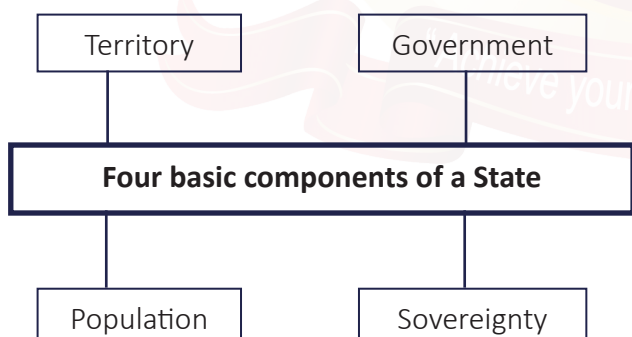
- a) A community of persons permanently occupying a definite territory independent of external control and possessing an organized government ✓
- b) A politically organized people of a definite territory and possessing an authority to govern them, maintain law and order, protect their natural rights and safeguard their means of sustenance
- c) A number of persons who have been living in a definite territory for a very long time with their own culture, tradition and government
- d) A society permanently living in a definite territory with a central authority, an executive responsible to the central authority and an independent judiciary

Difficulty level: Moderate

## EXPLANATION

### State

- State is a **community of persons** permanently occupying a **definite territory independent of external control** and possessing an **organized government**.



- Each one of us lives under the **supreme power of the state**, enjoys **rights** and **freedom** and **performs several duties as a citizen** of the state.

2. With reference to India, consider the following statements:

- 1) There is only one citizenship and one domicile.
- 2) A citizen by birth only can become the Head of State.
- 3) A foreigner once granted citizenship cannot be deprived of it under any circumstances.

Which of the statements given above is/are correct?

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

Difficulty level: Easy

## EXPLANATION

### Citizenship

- The Constitution deals with the citizenship from **Articles 5 to 11** under **Part II**. However, it contains neither any permanent nor any elaborate provisions in this regard. It **only identifies the persons who became citizens of India at its commencement** (i.e., on January 26, 1950).
- It **empowers the Parliament to enact a law** to provide for such matters and any other matter relating to citizenship. Accordingly, the Parliament has enacted the **Citizenship Act (1955)**, which has been amended from time to time.

The Citizenship Act of 1955 prescribes five ways of acquiring citizenship

- 1. Birth
- 2. Descent
- 3. Registration
- 4. Naturalisation
- 5. Incorporation of territory

- Though the Indian Constitution is federal and envisages a dual polity (Centre and states), it provides for **only a single citizenship**, that is, the Indian citizenship.

- The Constitution of India **does not allow holding Indian citizenship and citizenship of a foreign country simultaneously**. Therefore, a person **cannot have more than one domicile**.
- In India **both a citizen by birth as well as a naturalised citizen are eligible for the office of President** while in USA, only a citizen by birth and not a naturalised citizen is eligible for the office of President.
- A foreigner once granted citizenship will be a citizen of India.

- They embody the concept of a **'welfare state'** and seek to establish **economic and social democracy** in the country.
- 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**.
- These are **non-justiciable**, that is, they are not legally enforceable by the courts for their violation.

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

1. Any citizen of India of full age and capacity can make a declaration **renouncing his Indian citizenship**.
2. When an Indian citizen **voluntarily** (consciously, knowingly and without duress, undue influence or compulsion) **acquires the citizenship of another country**.
3. A **compulsory termination** of Indian citizenship by the Central government.

### 3. Under the Indian Constitution, concentration of wealth violates

- a) the Right to Equality
- b) the Directive Principles of State Policy ✓
- c) the Right to Freedom
- d) the Concept of Welfare

Difficulty level: Moderate

### EXPLANATION

- **Article 39(c)** of Indian constitution **directs the state to secure prevention of concentration of wealth and means of production**.

### The Directive Principles of State Policy

- They 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**.

### RELATED PYQs

- Q1. 'Economic Justice' the objectives of Constitution has been as one of the Indian provided in
- a) the Preamble and Fundamental Rights
  - b) the Preamble and the Directive Principles of State Policy
  - c) the Fundamental Rights and the Directive Principles of State Policy
  - d) None of the above

[2013]

- Q2. According to the Constitution of India, which of the following are fundamental for the governance of the country?

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

[2013]

- Q3. In the Constitution of India, promotion of international peace and security is included in the

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

[2014]

- Q4. The ideal of "Welfare State" in the Indian Constitution is enshrined in its

- a) Preamble
- b) Directive Principles of State Policy
- c) Fundamental Rights
- d) Seventh Schedule

[2015]

Q5. 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?

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

[2017]

Q6. Other than the Fundamental Rights, which of the following parts of the Constitution of India reflect/reflects the principles and provisions of the Universal Declaration of Human Rights (1948)?

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

Select the correct answer using the code given below:

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

[2020]

Q7. Which part of the Constitution of India declares the ideal of a Welfare State?

- a) Directive Principles of State Policy
- b) Fundamental Rights
- c) Preamble
- d) Seventh Schedule

[2020]

4. What is the position of the Right to Property in India?

- a) Legal right available to citizens only
- b) Legal right available to any person ✓
- c) Fundamental Right available to citizens only
- d) Neither Fundamental Right nor legal right

Difficulty level: Easy

## EXPLANATION

### Right to Property

- When the Constitution of India was enacted, it **initially recognized the Right to Property as a Fundamental Right**. **Article 19(1)(f)** provided citizens with the freedom to acquire, hold, and dispose of property within India's territory.

Additionally, **Article 31** guaranteed this right to every person, irrespective of citizenship, protecting against deprivation of their property.

- Since its inception, the Fundamental Right to Property has been highly controversial, resulting in numerous **Constitutional Amendments**—namely, the **1st, 4th, 7th, 25th, 39th, 40th, and 42nd Amendments**.
- The turning point came with the **44th Constitutional Amendment Act of 1978**, which **abolished the right to property as a Fundamental Right**. This Act repealed Article 19(1)(f) and Article 31 from Part III, instead introduced a **new Article 300A in Part XII** under the heading 'Right to Property'.
- Article 300A stipulates that **no person shall be deprived of their property except by authority of law**.
- Consequently, **the right to property now stands as a legal or constitutional right**, though no longer a fundamental right.
- It is **not considered as a part of the basic structure of the Constitution**.
- Previously, when it held the status of a fundamental right, an aggrieved party could directly approach the Supreme Court. However, as a legal right, the **aggrieved person cannot directly move the SC under Article 32** in case of its violation.

Despite the abolition of the Fundamental Right to Property under Part III, two provisions in the Constitution—specifically, **Article 30 and Article 31A**—continue to guarantee the right to compensation in certain circumstances:

- When the State acquires property belonging to a **minority educational institution (Article 30)**.
- When the State acquires land held by an individual under personal cultivation, and the **land falls within statutory ceiling limits (Article 31A)**.

## 5. What was the exact constitutional status of India on 26th January, 1950?

- a) A Democratic Republic
- b) A Sovereign Democratic Republic ✓
- c) A Sovereign Secular Democratic Republic
- d) A Sovereign Socialist Secular Democratic Republic

Difficulty level: Easy

### EXPLANATION

- On **26th November 1949**, the Constituent Assembly adopted, enacted, and gave Indian citizens their own Constitution.
- On **26th January 1950**, the **Constitutional status of India became a Sovereign Democratic Republic**. The words '**Socialist**' and '**Secular**' were added to the Preamble of the Constitution by the **42nd Amendment Act in 1976**.
- The **present status** of the Indian Constitution, as per the Preamble, defines it as a **Sovereign, Socialist, Secular, Democratic Republic**.

#### Sovereign

- The word 'sovereign' implies that India is **neither a dependency nor a dominion of any other nation** but rather an **independent state**. There is no authority above it, and it is **free to conduct its own affairs**, both internal and external.

#### Socialist

- Our Constitution includes several provisions that articulate our country's commitment to promoting a **welfare state**, one that is **free from exploitation** across all spheres of existence. The primary objective of socialism is to provide '**a basic minimum to all**', aligning with the ideals of **Democratic Socialism**.

#### Secular

- The term 'Secular' means that the state will have **no official religion**, and **all religions will receive equal protection**. The state provides full freedom to the people **to practice any religion** of their choice.

#### Democratic

- The term 'Democratic' is based on the doctrine of **Popular Sovereignty**, where people elect

their representatives for the functioning of the government. Every citizen of India, irrespective of gender, caste, class, or religion, has the **right to vote in elections**.

#### Republic

- The term 'Republic' denotes a form of government in which the **head of the state is elected by the people**. In India, the **President** is the head of the state, indirectly elected by the people. In contrast, **Britain follows a Monarchy system** where the King is the head of the state. The Republic form of government showcases that all power is derived from the people.

## 6. Constitutional government means

- a) a representative government of a nation with a federal structure
- b) a government whose Head enjoys nominal powers
- c) a government whose Head enjoys real powers
- d) a government limited by the terms of the Constitution ✓

Difficulty level: Easy

### EXPLANATION

#### Constitutional Government

- Constitutions seek to **limit and regulate the exercise of political power**. Constitutional government is, by definition, **limited government**.
- A limited government is a government whose **power is restrained by a constitution** or other widely accepted **rule of law**.

#### Certain principles mentioned in the Indian Constitution that limits the powers of the Government

- **Fundamental Rights**
- **Judicial Review**
- **Veto powers of the President**
- **Separation of powers**

## RELATED PYQs

Q1. Consider the following statements:

A Constitutional Government is one which

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

[2014]

Q2. A constitutional government by definition is a

- a) government by legislature
- b) popular government
- c) multi-party government
- d) limited government

[2020]

7. 'Right to Privacy' is protected under which Article of the Constitution of India?

- a) Article 15
- b) Article 19
- c) Article 21 ✓
- d) Article 29

Difficulty level: Easy

## EXPLANATION

### Right to Privacy

- The Right to Privacy was **not directly envisaged in the Indian Constitution**. It was deliberated to be a fundamental right upon **judicial intervention**.
- Now, it is a fundamental right under **Article 21, the Right to Life and Personal Liberty**, as per the **Puttaswamy vs Union of India case in 2017**.
- The Right to Privacy **applies to both Indian citizens and non-citizens**.
- It is **not absolute** and it is **subject to reasonable restrictions**.
- Privacy has both **positive and negative content**. The negative content **restrains the state** from committing an intrusion upon the life and personal liberty of a citizen. Its positive content imposes

an obligation on the **state to take all necessary measures to protect** the privacy of the individual.

- Declaring privacy as an inherent right under Part III of the Indian Constitution, **an ordinary person may directly approach the Supreme Court (Article 32)** and **High Courts (Article 226)** in case if his/her privacy is violated.

## RELATED PYQs

Q1. 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?

- 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

[2018]

Q2. Which Article of the Constitution of India safeguards one's right to marry the person of one's choice?

- a) Article 19
- b) Article 21
- c) Article 25
- d) Article 29

[2019]

## Type of the questions: Current Affairs

1. With reference to India, consider the following statements:

- 1) **Judicial custody means an accused is in the custody of the concerned magistrate and such accused is locked up in a police station, not in jail.**
- 2) **During judicial custody, the police officer in charge of the case is not allowed to interrogate the suspect without the approval of the court.**

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

Difficulty level: Difficult

Relevance: Topics like judicial custody and police custody are terms often seen in the news.

## EXPLANATION

### Police Custody

- This refers to the period during which a person suspected of committing a crime is **held by the police for questioning and investigation**. When a person is taken into police custody, they are under the control of the law enforcement agency (police) for a limited duration as permitted by law.

### Judicial Custody

- It occurs after a person is produced before a magistrate or a court. It is the period during which an **accused person is remanded to the custody of the judicial authorities, such as a jail or prison, by an order of the court**. This happens after the initial period of police custody or upon arrest, depending on the circumstances of the case.

Basis of difference	Police custody	Judicial custody
Control	The <b>police officer</b> who is in charge of the police station has control over police custody.	The <b>magistrate</b> has the control over the custody.
Investigation	The <b>police conducts</b> the investigation.	The <b>magistrate relies on the evidence</b> produced in the court.
Procedure	A person is kept in police custody after he is arrested <b>on the basis of an FIR or suspicion</b> .	A person is kept in judicial custody after the <b>public prosecutor makes the court believe that such custody is necessary</b> for further investigation.

Basis of difference	Police custody	Judicial custody
Period of detention	It is <b>15 days</b> for police custody.	In the case of <b>non-bailable offences</b> the period of detention is <b>90 days</b> and in <b>bailable offences</b> maximum period is <b>60 days</b> .
End of custody	The person arrested must be <b>produced before the magistrate within 24 hours</b> and if charges are not proved, then he is granted bail, or else he is sent back to police custody for further investigation and interrogation.	The person is kept in judicial custody <b>on the orders of the magistrate until and unless he is granted bail</b> .
Jail	A person in police custody is <b>kept in prison or a cell</b> at that <b>particular police station</b> .	A person in judicial custody is <b>kept in central jail</b> .
Interrogation	<b>Police officers</b> can interrogate a person in police custody.	The officers in order to ask questions to the person in judicial custody have to <b>take permission from the court</b> .

2. With reference to India, consider the following statements:

- When a prisoner makes out a sufficient case, parole cannot be denied to such prisoner because it becomes a matter of his/her right.
- State Governments have their own Prisoners Release on Parole Rules.

Which of the statements given above is/are correct?

- 1 only
- 2 only ✓
- Both 1 and 2
- Neither 1 nor 2

Difficulty level: Difficult

Relevance: Due to Covid- 19 many prisoners in various states were allowed for parole.

## EXPLANATION

### Parole

- Parole refers to the **temporary release of a prisoner before the completion of their sentence**, subject to certain conditions and under the supervision of authorities.
- The laws enacted under the **Prisons Act of 1894** and the **Prisoners Act of 1900** govern the award of parole in India. **Each state has its own set of parole guidelines**, which differ slightly from one another.
- Parole is considered a **reformatory process**. The provision was introduced with a view to humanising the prison system. It's **not a matter of right**.

FURLOUGH	PAROLE
A <b>matter of right</b> but not many are aware of this. Usually granted after one year in jail. Maximum 21 days a year.	<b>Not a matter of right.</b>
<b>Granted periodically but can be denied if there is sufficient reason</b> that it will go against the interests of society.	<b>May be denied</b> if the competent authority is satisfied on valid grounds that there is no sufficient cause for granting parole or it is against the interests of society.
Period of furlough is <b>treated as remission</b> of sentence.	Period spent on parole is <b>not counted as remission of sentence</b> . Maximum 90 days a year.
<b>No reasons have to be cited</b> for granting furlough.	<b>Reasons for granting parole have to be specified</b> by jail authorities.
Purpose is <b>to enable prisoner to retain family association</b> and keep up ties with society and avoid ill- effects of continuous prison life.	Grant of parole <b>does not disqualify a prisoner from the right to furlough</b> . The grant of subsequent parole and furlough are subject to police report on the convict's conduct.

3. Consider the following statements in respect of Bharat Ratna and Padma Awards.

- Bharat Ratna and Padma Awards are titles under the Article 18(1) of the Constitution of India.**
- Padma Awards, which were instituted in the year 1954, were suspended only once.**
- The number of Bharat Ratna Awards is restricted to a maximum of five in a particular year.**

Which of the above statements are not correct?

- 1 and 2 only**
- 2 and 3 only**
- 1 and 3 only**
- 1, 2 and 3 ✓**

Difficulty level: Hard

Relevance: Based on a written question in Lok Sabha a statement came from the Government that says Bharat Ratna, Padma Awards can't be used as titles.

## EXPLANATION

- Article 18 (1)** of the Indian Constitution **prohibits the government from conferring titles on anyone, except in the fields of military and academics**, such as Paramveer and Doctorate, respectively. This provision **applies to both citizens and non-citizens** of India. However, universities can still confer titles or honors on deserving individuals.
- National awards such as Bharat Ratna, Padma Vibhushan, Padma Bhushan and Padma Shri do not amount to titles within the meaning of Article 18(1)** and thus are **not to be used as prefixes or suffixes to the name of the recipient** in any manner whatsoever. In case of any misuse, the defaulter shall forfeit the national award conferred on him or her.

### Bharat Ratna

- Bharat Ratna is the **highest civilian award** of the country. It is awarded in recognition of **exceptional service/performance** of the highest order in any field of human endeavour. It is treated on a different footing from Padma Award.
- The **recommendations** for Bharat Ratna are **made by the Prime Minister to the President of India**. **No formal recommendations** for Bharat Ratna are necessary.
- The **number of Bharat Ratna Awards is restricted to a maximum of three in a particular year**.



## Padma Awards

- The Padma Awards are **one of the highest civilian honours** of India, which were instituted in the year 1954.
- It is announced every year on the occasion of **Republic Day except for brief interruption(s) during the years 1978 and 1979 and 1993 to 1997.**
- The award seeks to recognize achievements in all fields of activities or disciplines where an **element of public service is involved.**
- The Padma Awards are conferred on the recommendations made by the **Padma Awards Committee**, which is **constituted by the Prime Minister every year.**
- The nomination process is open to the public. Even **self-nomination can be made.**

The award is given in three categories, namely,

1. **Padma Vibhushan** for exceptional and distinguished service
2. **Padma Bhushan** for distinguished service of a high order
3. **Padma Shri** for distinguished service

- All persons without distinction of race, occupation, position or sex are eligible for these awards. However, **Government servants including those working with PSUs, except doctors and scientists, are not eligible for these Awards.**
- The award is normally not conferred posthumously. However, **in highly deserving cases**, the Government could **consider giving an award posthumously.**

### Type of the questions: Conceptual

1. A legislation which confers on the executive or administrative authority an unguided and uncontrolled discretionary power in the matter of application of law violates one of the following Articles of the Constitution of India?
  - a) Article 14 ✓
  - b) Article 28
  - c) Article 32
  - d) Article 44

Difficulty level: Moderate

## EXPLANATION

### Article 14

- Article 14 of the constitution of India is one of the fundamental rights that guarantees **equality before the law and equal protection of the law** to all persons within the territory of India.
- Article 14 also **prohibits arbitrary discrimination by the state.** The state cannot pass laws that are discriminatory in nature.
- The scope of Article 14 is very wide and it **applies not only to citizens but also to non-citizens**, including foreigners, residing in India.
- It **covers all actions of the state**, including legislative, executive and judicial actions.
- It is based on the principle of the **Rule of Law**, which is a fundamental feature of the Indian constitution.
- The Supreme Court has interpreted and expanded the scope of Article 14. The Supreme Court has held that the right to equality includes the right to equal access to justice, the right to live with dignity, the right to a fair trial, and the right to be free from discrimination on arbitrary grounds.

- **Article 28:** Freedom as to attendance at religious instruction or religious worship in certain educational institutions.
- **Article 32:** It states that individuals have the right to approach the supreme court seeking enforcement of other fundamental rights recognised by the constitution.
- **Article 44:** The state shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.

2. Which one of the following in Indian Polity is an essential feature that indicates that it is federal in character?
  - a) The independence of judiciary is safeguarded. ✓
  - b) The Union Legislature has elected representatives from constituent units.
  - c) The Union Cabinet can have elected representatives from regional parties.
  - d) The Fundamental Rights are enforceable by Courts of Law.

Difficulty level: Moderate

### EXPLANATION

- The Constitution of India establishes a federal system of Government.
- A federal government, is one in which **powers are divided between the national government and the regional governments** by the Constitution itself and both operate in their respective jurisdictions independently.
- **Examples** for countries with a federal system of government- **US, Switzerland, Canada** etc.

Federal Features of the Constitution	Unitary Features of the Constitution
Dual polity	Strong centre and states not indestructible
Written Constitution	Single constitution
Division of powers	Emergency provisions
Rigid and supremacy of constitution	Flexibility of the constitution
Independent judiciary	Integrated judiciary
Bicameralism	Single citizenship

### RELATED PYQs

Q1. Which one of the following is not a feature of Indian federalism?

- There is an independent judiciary in India.
- Powers have been clearly divided between the Centre and the States.
- The federating units have been given unequal representation in the Rajya Sabha.
- It is the result of an agreement among the federating units.

[2017]

Q2. In the context of India, which one of the following is the characteristic appropriate for bureaucracy?

- An agency for widening the scope of parliamentary democracy

b) An agency for strengthening the structure of federalism

c) An agency for facilitating political stability and economic growth

d) An agency for the implementation of public policy

[2020]

3. Which one of the following factors constitutes the best safeguard of liberty in a liberal democracy?

- A committed judiciary
- Centralization of powers
- Elected government
- Separation of powers ✓

Difficulty level: Moderate

### EXPLANATION

- 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.
- However, liberty **does not mean 'license' to do what one likes**, and has to be enjoyed within the limitations mentioned in the Constitution itself thus it is **not absolute but qualified**.

### Separation of Powers

- It refers to the **division of government responsibilities** into distinct branches to limit any one branch from exercising the core functions of the another.
- Separation of Power between legislative, executive and judiciary **maintains checks and balances** in the system. It establishes **limited government**. Thus it is the **best safeguard of liberty** in a **liberal democracy**.
  - » It protects **against tyranny** and abuse of power.
  - » Enhance **accountability** among each branch of government.
  - » Ensures **fairness** and **impartiality** in government actions.
  - » Protects **individual rights** and liberties.

- **Centralization of powers** can't constitute the best safeguard of liberty in a liberal democracy, because it maximises the possibility of arbitrary excesses by the government.
- **Committed judiciary** means they always committed to the government not to the people.
- Although a **elected government** comes into power through voting, it cannot ensure liberty to the people. There is a chance for an elected government to become tyrannical after getting into power.

### RELATED PYQs

Q1. Which one of the following objectives is not embodied in the Preamble to the Constitution of India?

- Liberty of thought
- Economic liberty
- Liberty of expression
- Liberty of belief

[2017]

Q2. Which one of the following reflects the nicest, appropriate relationship between law and liberty?

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

[2018]

Q3. In the context of polity, which one of the following would you accept as the most appropriate definition of liberty?

- Protection against the tyranny of political rulers
- Absence of restraint
- Opportunity to do whatever one likes
- Opportunity to develop oneself fully

[2019]

4. With reference to the Union Government, consider the following statement:

- 1) **N. Gopalswamy Ayyangar Committee suggested that a minister and a secretary be designated solely for pursuing the subject of administrative reform and promoting it.**

- 2) **In 1970, the Department of personnel was constituted on the recommendation of the Administrative Reforms Commission, 1966, and this was placed under the Prime Minister's charge.**

Which of the statements given above is/are correct?

- 1 only
- 2 only ✓
- Both 1 and 2
- Neither 1 nor 2

Difficulty level: Moderate

### EXPLANATION

#### N Gopalswamy Ayyangar Committee

- N Gopalswamy Ayyangar Committee presented a report on the "**Reorganization of the Government Machinery**" in **1949**. It had the objective to **streamline government services** and maintain **efficiency in public administration**.
- The committee recommended for establishing **4 standing committees** – Defence Committee, Economic Committee, Legal Affairs Committee, and Administrative Organization Committee.
- It recommended the grouping of ministries, improvement in the capabilities of personnel, and enhancements in the functioning of the Organisation & Methods Division. **Nowhere does it mention the designation of a minister and a secretary solely for pursuing the subject of administrative reform and promoting it.**
- Earlier in 1946, Ayyangar was elected to the **Constituent Assembly**. He was part of the 7-member **drafting committee**. He was charged with the drafting of **Article 370**, which defined **special status** to the then state of **Jammu and Kashmir** (which was later abrogated in 2019).

#### Department of Personnel and Training (DoPT)

- Department of Personnel and Training was constituted in **1970** upon the recommendation of the **Administrative Reforms Commission (1969)**. It was placed under the **independent charge of the Prime Minister in 1985**.

- Later, the Department of Personnel and Administrative Reforms was re-designated as the **Ministry of Personnel and Training, Administrative Reforms and Public Grievances and Pensions**, with three departments – Department of Personnel & Training, Department of Administrative Reforms & Public Grievance and Department of Pensions and Pensioners Welfare.
- The DoPT is the coordinating agency of the Central Government in personnel matters **concerning recruitment, training, career development, and staff welfare**.
- The Department of Personnel and Training is under the **overall charge of the Prime Minister assisted by a Minister of State**.

5. With reference to Indian Judiciary, consider the following statements:

- 1) Any retired judge of the Supreme Court of India can be called back to sit and act as a Supreme Court judge by the Chief Justice of India with prior permission of the President of India.
- 2) A High Court in India has the power to review its own judgement as the Supreme Court does.

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

Difficulty level: Moderate

## EXPLANATION

### Retired Judge

- At any time, the **Chief Justice of India can request** a retired judge of the Supreme Court or a retired judge of a High Court (who is duly qualified for appointment as a judge of the Supreme Court) to act as a judge of the Supreme Court 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.
- Such a judge is entitled to such **allowances as the president may determine**.

- He will also **enjoy all the jurisdiction, powers and privileges of a judge of the Supreme Court**. But, he will **not otherwise be deemed to be a judge of the Supreme Court**.

### High Court's power to review its own judgement

- In India, the power to review its own judgement is generally **not vested in the High Courts to the same extent as it is in the Supreme Court**.
- The SC of India has the **explicit power of review under Article 137** of the Constitution of India. It empowers the Supreme Court **to review its own judgments or orders**, subject to the rules prescribed by it.
- On the other hand, High Courts in India derive their powers from **Articles 226 and 227** of the Constitution, which grant them the power of judicial review **to ensure the enforcement of fundamental rights** and to exercise superintendence over all courts and tribunals within their jurisdiction.
- However, the **power of review as explicitly mentioned in Article 137 is not granted to High Courts**.
- That said, **High Courts do have inherent powers under their plenary jurisdiction to correct errors or mistakes in their own judgments, and they can entertain review petitions under certain circumstances**.
- The specific rules and procedures for filing review petitions may vary from state to state and are often governed by the rules of the respective High Courts.

## RELATED PYQs

Q1. The power to increase the number of judges in the Supreme Court of India is vested in

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

[2014]

Q2. In India, Judicial Review implies

- 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.
- 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.

[2017]

Q3. Consider the following statements:

1. The- motion to impeach a Judge of the Supreme Court of India cannot be rejected by the Speaker of the Lok Sabha as per the Judges (Inquiry) Act, 1968.
2. The Constitution of India defines and gives details of what constitutes 'incapacity and proved misbehaviour' of the Judges of the Supreme Court of India.
3. The details of the process of impeachment of the Judges of the Supreme Court of India are given in the Judges (Inquiry) Act, 1968.
4. If the motion for the impeachment of a Judge is taken up for voting, the law requires the motion to be backed by each House of the Parliament and supported by a majority of total membership of that House and by not less than two-thirds of total members of that House present and voting.

Which of the statements given above is/are correct?

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

[2019]

### Type of the questions: Application

1. We adopted parliamentary democracy based on the British model, but how does our model differ from that model?

- 1) As regards legislation, the British Parliament is supreme or sovereign but in India, the power of the Parliament to legislate is limited.
- 2) In India, matters related to the constitutionality of the Amendment of an Act of the Parliament are referred to the Constitution Bench by the Supreme Court.

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

Difficulty level: Easy

**Relevance:** Constitutional bench has been in news related to major cases like Sabarimala Verdict, Maratha Reservation Bill.

## EXPLANATION

### Parliamentary Democracy

- It is a system of government in which **citizens elect representatives** to a legislative parliament to **make the necessary laws and decisions** for the country. This parliament directly represents the people.

### Parliamentary sovereignty

- Parliamentary sovereignty means the **supremacy of the legislative body** over other government institutions.
- Parliamentary sovereignty is the **principle of the British Constitution** which gives the Parliament of the Britain **superior authority** to create or abolish any laws.
- In the case of **India**, it follows a **Constitutional Government** in which the power of Parliament to legislate laws is limited by the Constitution.
- India has a **comprehensive list of fundamental rights embedded in its Constitution** which cannot be overridden by Parliamentary laws.
- UK has **not adopted a formalised system of protecting individual rights through a Constitutional document**. Their rights are protected through Parliamentary laws.

### Constitution Bench

- A Constitution Bench is constituted whenever a **matter of law arises** that requires **interpretation of a Constitutional provision** or if there is a **significant legal question** to be decided.
- The provision for constitutional bench has been mentioned in the constitution under **Article 143** (president seeks the Supreme Court's opinion) and **Article 145(3)**.
- **Article 145(3)** of the Constitution, which deals with the **rules of the Court**, provides for the **setting up of such Constitution Benches**.
- The power to constitute a Constitutional Bench is vested with the **Chief Justice of India**.
- The Constitutional Bench **consists of five or more judges**.

## RELATED PYQs

Q1. Out of the following statements, choose the one that brings out the principle underlying the Cabinet form of Government:

- a) An arrangement for minimizing criticism against the Government whose responsibilities are complex and hard to carry out to 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.

[2017]

Q2. In the context of India, which one of the following is the characteristic appropriate for bureaucracy?

- a) An agency for widening the scope of parliamentary democracy
- b) An agency for strengthening the structure of federalism
- c) An agency for facilitating political stability and economic growth
- d) An agency for the implementation of public policy

[2020]

2. **At the national level, which ministry is the nodal agency to ensure effective implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006?**

- a) **Ministry of Environment, Forest and Climate Change**
- b) **Ministry of Panchayati Raj**
- c) **Ministry of Rural Development**
- d) **Ministry of Tribal Affairs ✓**

**Difficulty level:** Moderate

**Relevance:** The Act was in news for the lagging in its implementation in various states.

## EXPLANATION

- **Ministry of Tribal Affairs** is the **nodal agency** at the national level to ensure effective implementation of the **Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006**.

### Ministry of Tribal Affairs

- The ministry was set up in **1999** after the **bifurcation of Ministry of Social Justice and Empowerment**.
- Provides more focused approach on the **integrated socio-economic development** of scheduled tribes.
- Some initiatives under the ministry: **Van Dhan Samajik Doori Jagrookta Abhiyan, Swasthya portal, Going Online as Leaders Program**.

### The scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act of 2006

- The act focuses on the **right of forest dwelling communities** and **tribal population over land and other forest resources** which have been denied to them over the decade because of the continuation of forest laws from colonial times in the country.

## RELATED PYQs

Q1. Under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, who shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both?

- a) State Forest Department
- b) District Collector/Deputy Commissioner
- c) Tahsildar /Block Development Officer / Mandai Revenue Officer
- d) Gram Sabha

[2013]

# 2022-PRELIMS PREVIOUS YEAR QUESTIONS

## Type of the questions: Factual

1. Consider the following statements:

- 1) A bill amending the Constitution requires a prior recommendation of the President of India.
- 2) When a Constitution Amendment Bill is presented to the President of India, it is obligatory for the President of India to give his/her assent.
- 3) A Constitution Amendment Bill must be passed by both the Lok Sabha and the Rajya Sabha by a special majority and there is no provision for joint sitting.

Which of the statements given above are correct ?

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

Difficulty level: Easy

## EXPLANATION

### Constitutional Amendment

- The procedure of amendment in the Constitution is laid down in **Part XX (Article 368)** of the Constitution of India.
- The provisions for amending the Constitution was borrowed from the **South African Constitution**.
- Famous Supreme Court case associated with amending the Constitution is **Kesavananda Bharati judgement, 1973**.
- A bill amending the Constitution **does not require the prior permission of the President**.
- It should be **introduced in the Parliament** and not in the State Legislature. The bill **can be introduced either by a minister or a private member**.
- The bill **must be passed in both house by a special majority**. Both Rajya Sabha and Lok Sabha must **pass the bill separately**. In case of any disagreement there is **no provision of joint sitting**.

- **After the bill is passed by both the houses the bill goes to the President for his assent.** According to the **24th Constitutional Amendment Act, 1967** 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 bill is passed by the President the bill becomes an act.

## RELATED PYQs

Q1. 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 statements given above is/are correct?

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

[2013]

Q2. With reference to the Constitution of India, consider the following statements:

1. No High Court shall have the jurisdiction to declare any central law to be constitutionally invalid.
2. An amendment to the Constitution of India cannot be called into question by the Supreme Court of India.

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

[2019]

2. Which of the following is/are the exclusive power(s) of Lok Sabha?

- 1) To ratify the declaration of Emergency
- 2) To pass a motion of no-confidence against the Council of Ministers
- 3) To impeach the President of India

Select the correct answer using the code given below:

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

Difficulty level: Moderate

### EXPLANATION

- The Constitutional position of the Rajya Sabha (as compared with the Lok Sabha) can be studied from three angles:
  1. Where Rajya Sabha is equal to Lok Sabha.
  2. Where Rajya Sabha is unequal to Lok Sabha.
  3. Where Rajya Sabha has special powers that are not at all shared with the Lok Sabha.

#### Equal Status with Lok Sabha

- **Election and impeachment of the President.**
- Introduction and passage of **Constitutional Amendment bills.**
- **Approval** of proclamation of **all three types of emergencies** by the President.
- Approval of **ordinances** issued by the President.

#### Unequal Status with Lok Sabha

- A **Money Bill** can be introduced **only in the Lok Sabha** and not in the Rajya Sabha.
- **Rajya Sabha cannot amend or reject a Money Bill.** It should return the bill to the Lok Sabha within **14 days.**
- The **Lok Sabha can either accept or reject** all or any of the recommendations of the Rajya Sabha. In both the cases, the money bill is deemed to have been passed by the two Houses.
- The **Speaker of Lok Sabha presides over the joint sitting** of both the Houses.
- A **resolution for the discontinuance of the national emergency can be passed only by the Lok Sabha** and not by the Rajya Sabha.
- **Lok Sabha can only remove the council of ministers by passing a no-confidence motion** because they are collectively responsible only to the Lok Sabha.

#### Special Powers of Rajya 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**).
- It alone can initiate a move for the **removal of the Vice- President (Article 67).**
- If a **proclamation is issued by the President for imposing emergency** at a time when the **Lok Sabha has been dissolved**, then the proclamation can remain effective even if it is **approved by the Rajya Sabha** alone (**Articles 352, 356 and 360**).

#### RELATED PYQs

Q1. What will follow if a Money Bill is substantially amended by the Rajya Sabha?

- 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

[2013]

Q2. Consider the following statements regarding a No-Confidence Motion in India:

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

[2014]

Q3. Rajya Sabha has equal powers with Lok Sabha in

- a) the matter of creating new All India Services
- b) amending the Constitution
- c) the removal of the government
- d) making cut motions

[2020]

3. Consider the following statements:

- 1) Attorney General of India and Solicitor General of India are the only officers of the Government who are allowed to participate in the meetings of the Parliament of India.
- 2) According to the Constitution of India, the Attorney General of India submits his resignation when the Government which appointed him resigns.

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 ✓

Difficulty level: Easy

### EXPLANATION

#### Attorney General (AG)

- **Article 76** of Indian Constitution has provided for the office of the Attorney General for India.
- The **highest law officer** in the country and is appointed by the President.
- 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.
- The **term** of office of the AG is **not fixed by the Constitution**.
- 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. He enjoys **all the privileges and immunities** that are **available to a member of Parliament**.
- The **Constitution does not contain the procedure and grounds for his removal** and he **holds office during the pleasure of the President**.
- Conventionally (and not according to the Constitution), he resigns when the government (council of ministers) resigns or is replaced, as he is appointed on its advice.
- He **submits his resignation letter to the President**.

- However AG is **not a full time counsel for the Government** and he **does not fall in the category of government servants**.
- Further, he is **not debarred from private legal practices**.
- In addition to the AG, there are **other law officers** of the Government of India—> the **Solicitor General** of India and **Additional Solicitor General** of India.
- They assist the AG in the fulfilment of his official responsibilities. But **only the office of the AG is created by the Constitution**.

#### Solicitor General

- The **second highest law officer** of the country.
- The **Prime Minister-chaired Appointment Committee of the Cabinet (ACC)** recommends the appointment and **President officially appoints** the Solicitor General.
- The Solicitor General holds her/his office for a **term of three years** and is also **eligible for re-appointment** for another term.
- The **Law Officers (Conditions of Service) Rules, 1987** govern the duties and responsibilities of the Solicitor General along with other Law Officers.
- The **Solicitor General does not take part in the meetings of Parliament**.

### RELATED PYQs

Q1. 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?

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

[2013]

4. With reference to the writs issued by the Courts in India, consider the following statements:

- 1) Mandamus will not lie against a private organisation unless it is entrusted with a public duty.
- 2) Mandamus will not lie against a Company even though it may be a Government Company.
- 3) Any public minded person can be a petitioner to move the Court to obtain the writ of Quo Warranto.

Which of the statements given above are correct?

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

Difficulty level: Easy

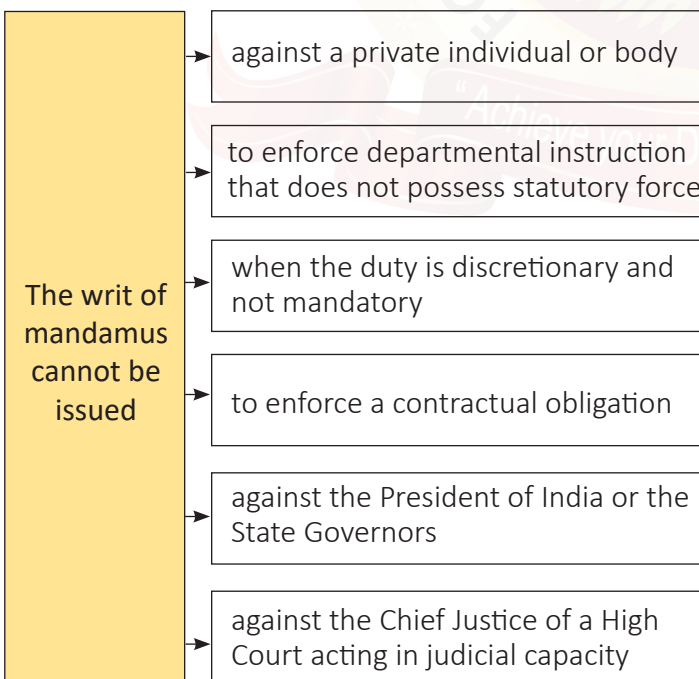
### EXPLANATION

- The **Supreme Court** (under **Article 32**) and the **High courts** (under **Article 226**) can issue the **writs of Habeas Corpus, Mandamus, Prohibition, Certiorari and Quo-Warranto**.
- Further, **the Parliament (under Article 32) can empower any other court to issue these writs.**



### Mandamus

- It literally means '**we command**' → a command **issued by the court to a public official** asking him to perform his official duties.
- It can also be **issued against any public body, a corporation, an inferior court, a tribunal or government** for the same purpose.

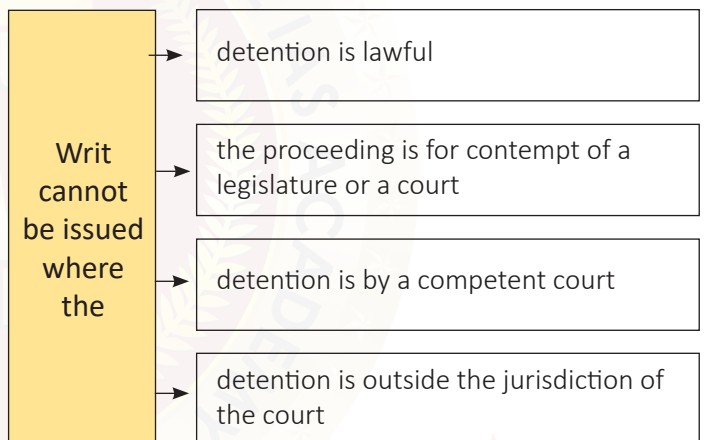


### Quo-Warranto

- Literally it means '**by what authority or warrant**' → issued by the court **to enquire into the legality of claim of a person to a public office.**
- It can be issued **only in case of a substantive public office of a permanent character** created by a statute or by the Constitution.
- It **cannot be issued in cases of ministerial office or private office.**
- Unlike the other four writs, this **can be sought by any interested person and not necessarily by the aggrieved person.**

### Habeas Corpus

- The writ literally means '**to have the body of**' → an **order issued by the court to a person who has detained another person**, to produce the body of the latter before it.
- It is a **bulwark of individual liberty against arbitrary detention.**
- The writ of habeas corpus **can be issued against both public authorities as well as private individuals.**



### Prohibition

- Literally, it means '**to forbid**' → **issued by a higher court to a lower court or tribunal to prevent the latter from exceeding its jurisdiction** or usurping a jurisdiction that it does not possess.
- The writ of prohibition can be **issued only against judicial and quasi-judicial authorities.**
- It is **not available against administrative authorities, legislative bodies, and private individuals or bodies.**

## Certiorari

- In the literal sense, it means ‘**to be certified**’ or ‘to be informed’—> **issued by a higher court to a lower court or tribunal either to transfer a case pending with the latter to itself** or to squash the order of the latter in a case.
- It is issued on the grounds of **excess of jurisdiction or lack of jurisdiction or error of law**.
- Unlike Prohibition, which is only preventive, **Certiorari is both preventive as well as curative**.
- Previously, the writ of certiorari could be issued only against judicial and quasi-judicial authorities and not against administrative authorities. However, in 1991, the Supreme Court ruled that the Certiorari **can be issued even against administrative authorities** affecting rights of individuals.
- It is **not available against legislative bodies and private individuals or bodies**.

### 5. With reference to Deputy Speaker of Lok Sabha, consider the following statements:

- 1) As per the Rules of Procedure and Conduct of Business in Lok Sabha, the election of Deputy Speaker shall be held on such date as the Speaker may fix.
- 2) There is a mandatory provision that the election of a candidate as Deputy Speaker of Lok Sabha shall be from either the principal opposition party or the ruling party.
- 3) The Deputy Speaker has the same power as of the Speaker when presiding over the sitting of the House and no appeal lies against his rulings.
- 4) The well established parliamentary practice regarding the appointment of Deputy Speaker is that the motion is moved by the Speaker and duly seconded by the Prime Minister.

Which of the statements given above are correct?

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

Difficulty level: Moderate

## EXPLANATION

### Deputy Speaker

- The institutions of Speaker and Deputy Speaker originated in India in **1921** under the provisions of

the **Government of India Act of 1919 (Montague-Chelmsford Reforms)**.

- The Deputy Speaker is **not subordinate to the Speaker**. He is **directly responsible to the House**.

### Election of Deputy Speaker

- **Article 93** provides for “**as soon as possible, the House of the People shall elect two members to serve as its Speaker and Deputy Speaker, respectively**”.
- **Articles 93 and 178** use the word “**shall**”, indicating that the **election of Speaker and Deputy Speaker is mandatory** under the Constitution. But they **do not lay down a specific time frame**.
- **Rule 8 of The Rules of Procedure and Conduct of Business** in Lok Sabha says the **election of Deputy Speaker “shall be held on such date as the Speaker may fix”**.
- Like the Speaker, the Deputy Speaker is also **elected by the Lok Sabha** itself from amongst its members.
- The **motion** for the appointment of the Deputy Speaker is usually **moved by a member and is followed by a discussion and voting**. The **Deputy Speaker is elected once a motion proposing his name is carried in the House**.
- Upto the 10th Lok Sabha, both the Speaker and the Deputy Speaker were usually from the ruling party. **Since the 11th Lok Sabha**, there has been a **consensus that the Speaker comes from the ruling party** (or ruling alliance) and the **post of Deputy Speaker goes to the main opposition party**.

### Deputy Speaker when presiding as Speaker

- **Article 95(1)** says: “**While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker**”.
- The **Deputy Speaker performs the duties of the Speaker’s office** when it is **vacant**. He also acts as the Speaker when the latter is **absent from the sitting** of the House. In both cases, he assumes all the powers of the Speaker.
- **No appeal lies to the Speaker against a ruling given by the Deputy Speaker** or any person presiding over the House in the absence of the Speaker.
- Like the Speaker, the Deputy Speaker, while presiding over the House, cannot vote in the first instance; he can **only exercise a casting vote in the case of a tie**.

## RELATED PYQs

Q1. Consider the following statements:

1. In the election for Lok Sabha or State Assembly, the winning candidate must get at least 50 percent of the votes polled, to be declared elected.
2. According to the provisions laid down in the Constitution of India, in Lok Sabha, the Speaker's post goes to the majority party and the Deputy Speaker's to the Opposition.

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

[2017]

6. If a particular area is brought under the Fifth Schedule of the Constitution of India, which one of the following statements best reflects the consequence of it?
- a) This would prevent the transfer of land of tribal people to non-tribal people. ✓
  - b) This would create a local self-governing body in that area.
  - c) This would convert that area into a Union Territory.
  - d) The State having such areas would be declared a Special Category State.

Difficulty level: Moderate

## EXPLANATION

### Fifth Schedule of the Constitution

- The Fifth Schedule of the Constitution deals with the **administration and control of Scheduled Areas and Scheduled Tribes** in any state **except the four states of Assam, Meghalaya, Tripura and Mizoram**.
- The **Dhebar Commission (1960-61)**, laid down the following criteria for declaring any area as a 'Scheduled Area' under the Fifth Schedule:
  1. Preponderance of tribal population, which should not be **less than 50 percent**.
  2. Compactness and reasonable **size of the area**.
  3. **Underdeveloped nature** of the area.
  4. **Marked disparity** in the economic standard of

the people as compared to the neighbouring area.

### Various provisions in Fifth Schedule for the administration of Tribal areas:

#### 1. Declaration of Scheduled Areas:

- The **President** is empowered to declare an area to be a Scheduled Area.
- He can also **increase or decrease its area, alter its boundary lines**, rescind such designation or make fresh orders for such redesignation on an area in **consultation with the Governor** of the state concerned.

#### 2. Executive Power of State and Centre:

- The executive power of a state **extends to the Scheduled Areas within it**.
- The **Governor** has a special responsibility regarding Scheduled Areas. Annually or whenever required by the President, he must **submit a report** on the administration of such areas.
- The **executive power of the Centre extends to giving directions to the states** regarding the administration of such areas.

#### 3. Tribal Advisory Council:

- To deal with the welfare and advancement of Scheduled Tribes in states, Tribal Advisory Councils (TACs) are established as **Constitutional entities**.
- A similar council can be established in any state that has Scheduled Tribes but not Scheduled Areas if directed by the President.

#### Its features include

- » It consists of a maximum of **20 members**.
- » **Three-fourths of the members** should be **representative of Scheduled Tribes** in the state legislative assembly.
- » Major role is to **advise the Governor** on matters concerning the welfare and advancement of the Scheduled Tribes.
- » The **Governor has the authority** to set regulations regarding the council.

#### 4. Law applicable to Scheduled Areas:

- The **governor is empowered to direct** that any particular act of Parliament or the state legislature does not apply to a Scheduled Area or apply with specified modifications and exceptions.

- He can also **make regulations for the peace and good government of a scheduled area** after consulting the tribal advisory council. Such regulations may;
  - » **prohibit or restrict the transfer of land** by or among members of the Scheduled Tribes in such area.
  - » regulate the **allotment of land** to members of the STs in such area.
  - » **regulate the carrying on of business as money-lender** by persons who lend money to members of the STs in such area.

### RELATED PYQs

- Q1. The provisions in the Fifth Schedule and Sixth Schedule in the Constitution of India are made in order to
- protect the interests of Scheduled Tribes
  - determine the boundaries between states
  - determine the powers, authorities, and responsibilities of Panchayats
  - protect the interests of all the border States

[2015]

#### 7. Consider the following statements:

- The Constitution of India classifies the ministers into four ranks viz. Cabinet Minister, Minister of State with Independent Charge, Minister of State and Deputy Minister.**
- The total number of ministers in the Union Government, including the Prime Minister, shall not exceed 15 percent of the total number of members in the Lok Sabha.**

Which of the statements given above is/are correct ?

- 1 only
- 2 only ✓
- Both 1 and 2
- Neither 1 nor 2

Difficulty level: Moderate

### EXPLANATION

- In the constitution, the status of the council of ministers is covered in **Article 74** and the appointment, tenure, qualifications, oath, salaries and allowances of ministers are covered in **Article 75**.

- The **Indian Parliamentary system** includes the **Council of Ministers** which is **headed by the Prime Minister**.
- It is composed of **three types of ministers**:
  - Cabinet Ministers**
  - Ministers of State**
  - Deputy Ministers**
- The Cabinet ministers are in charge of the central **government's key ministries**, including finance, defense, and housing.
- Ministries of state may be connected to **cabinet ministries or granted independent authority** over ministries or agencies.
- The deputy ministers **support the cabinet ministers and ministers of state** in their parliamentary, political and administrative responsibilities.
- The entire number of ministers in the Council of Ministers, including the Prime Minister **cannot be more than 15% of the Lok Sabha's total membership**. The **91st Amendment Act of 2003** introduced this new clause. This gives the Prime Minister discretion in determining the number and makeup of the Council of Ministers while staying within this bound.
- The Lok Sabha can have a **maximum of 552 members**, of which 530 represent states, 20 represent union territories, and two are nominated by the President to represent the Anglo-Indian community (through the **104th Constitutional Amendment Act, 2019** eliminated their ability to do so).

### RELATED PYQs

Q1. Consider the following statements:

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

Which of the statements given above is/are correct?

- only 1
- only 2 and 3
- only 1 and 3
- 1, 2 and 3

[2013]

Q2. In the context of India, which of the following principles is/are implied institutionally in the parliamentary government?

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

Select the correct answer using the codes given below.

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

[2013]

Q3. There is a Parliamentary System of Government in India because the

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

[2015]

### Type of the questions: Current Affairs

1. With reference to India, consider the following statements :

- 1) Government law officers and legal firms are recognised as advocates, but corporate lawyers and patent attorneys are excluded from recognition as advocates.
- 2) Bar Councils have the power to lay down the rules relating to legal education and recognition of law colleges.

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

Difficulty level: Moderate

**Relevance:** The Bar Council of India has modified its rules to curb criticism against judges, courts and itself. These new rules triggered a controversy as they seek to prevent lawyers from publicly criticising judges and bar councils.

### EXPLANATION

- In India the term legal professionals refers only to those advocates who are **law graduates** and have been enrolled in **State Bar Council**. **Government law officers, corporate lawyers, law firms, law professors, legal researchers, and patent attorneys have been excluded from recognition as advocates.**

#### Bar Council

- The **Advocates Act 1961** enacted that the Bar Council of India and State Bar Councils has the power to self-regulate the profession and lay down rules relating to the admission, enrolment, condition of practice, standard of professional conduct, legal education, welfare activities etc.
- **Each bar council shall have a chairman and vice-chairman** elected by the council in the manner prescribed by law. The **Attorney General** of India and the **Solicitor general** are **ex-officio members**.

#### Functions of Bar Council:

- To establish guidelines for advocate professional conduct and decorum
- To protect advocates rights, privileges, and interest
- To encourage and assist the reform of the legal system
- To organise poor peoples legal aid
- To promote legal education and establish legal education standards
- To make provisions for the election of persons who will lead the bar council

**Advocate:** an advocate is a qualified professional who, depending on the nature of the case, represents the client in a court of law, pleading for compensation or release.

## Type of the questions: Application

### 1. Consider the following statements :

- 1) Pursuant to the report of H.N. Sanyal Committee, the Contempt of Courts Act, 1971 was passed.
- 2) The Constitution of India empowers the Supreme Court and the High Courts to punish for contempt of themselves.
- 3) The Constitution of India defines Civil Contempt and Criminal Contempt.
- 4) In India, the Parliament is vested with the powers to make laws on Contempt of Court.

Which of the statements given above is/are correct ?

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

Difficulty level: Moderate

**Relevance:** Based on the statement of Supreme Court that the power to punish for contempt under Article 129 is a constitutional power, which cannot be done away with even by any law.

## EXPLANATION

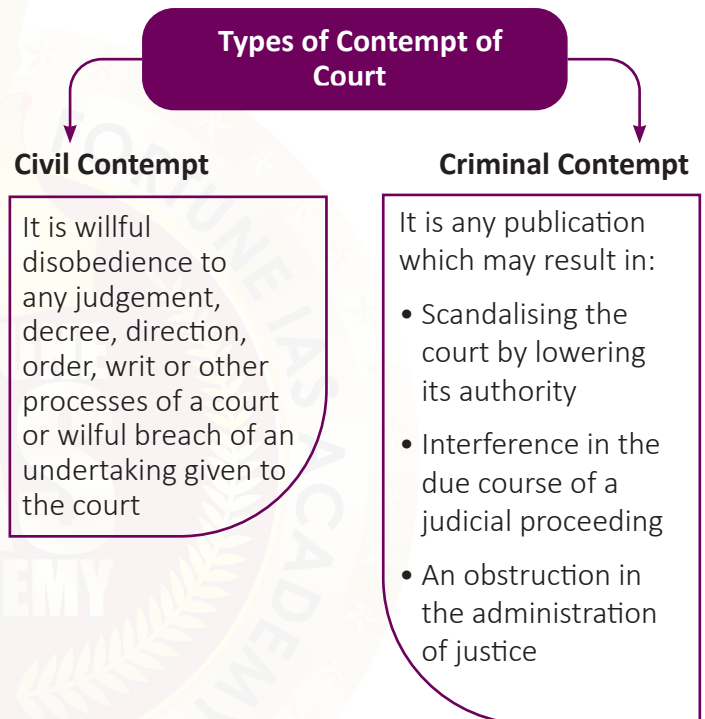
### H N Sanyal Committee

- In **1961** under the chairmanship of **H N Sanyal**, a committee was set up **to examine the application of contempt laws in India**.
- The committee made an examination of laws and problems associated with the Contempt of Court.
- The recommendation made a note on the **importance of freedom of speech** in the Constitution and the **need for safeguarding the status and dignity of courts** and interest of administration of justice.

### Contempt of Court

- **Article 129** in the Constitution empowers the Supreme Court to be a **Court of Record**. This means that the Supreme Court has the authority to record its proceedings and judgements, and to punish for contempt of itself.
- The **Constitution of India does not define any type of Contempt of Court** neither civil contempt nor criminal contempt.

- The **Contempt of Courts Act 1971** defines both **civil and criminal contempt**. Hence Parliament has the authority to make laws regarding contempt of court.
- It is the power of the court **to protect its own majesty and respect**.
- **Contempt of Courts Act, 1971** was passed on the recommendation of the **H.N.Sanyal Committee**.
- The Constitution of India **empowers Supreme Court and High Courts to punish for contempt of themselves**. High Courts have the power to punish contempt for lower courts under their respective jurisdiction.
- Contempt power **help judges to do their duties** of deciding cases **without fear, favour, affection or ill will**.



### 2. With reference to anti-defection law in India, consider the following statements:

- 1) The law specifies that a nominated legislator cannot join any political party within six months of being appointed to the House.
- 2) The law does not provide any time-frame within which the presiding officer has to decide a defection case.

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

Difficulty level: Easy

**Relevance:** Anti- defection laws are frequently seen in news. Recently Calcutta High Court has given West Bengal Assembly Speaker deadline to pass an order in defection case.

## EXPLANATION

### Anti- Defection laws

- The **52nd Amendment Act of 1985** provided for the **disqualification of the members of Parliament and the state legislatures** on the ground of **defection from one political party to another**.
- The Anti-defection law is contained in the **10th Schedule** of the Constitution. 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**.
- The law applies to **both Parliament and State Legislature**.
- Later, the **91st Amendment Act of 2003** made one change in the provisions of the Tenth Schedule. It omitted an exception provision i.e., **disqualification on ground of defection not to apply in case of split**.
- The **decision on the question as to disqualification on ground of defection** is referred to the **Chairman or the Speaker** of the House.
- Initially, the decision of the Presiding Officer was final, but the Supreme Court in **Kihoto Hollohan vs Zachillhu and Others (1991) case**, declared that the **Speaker's decision was subject to judicial review**. But courts can intervene only after the Presiding Officer has decided on the matter.

### Disqualification under Anti-Defection Law

#### a) Members of political parties

- If he **voluntarily gives up his membership** of such political party.
- If he **votes or abstains from voting** in such House **contrary to any direction issued by his political party** without obtaining prior permission.

#### b) Independent Members (elected without being set up as a candidate by any political party)

- If he **joins any political party after such an election**.

### c) A Nominated Member

- If he **joins any political party after the expiry of six months** from the date on which he takes his seat in the House.
  - This means that he may join any political party within six months of taking his seat in the House without inviting this disqualification.
- The law **does not specify a time period for the Presiding Officer to decide on a disqualification plea**.

## RELATED PYQs

- Q1. Which one of the following Schedules of the Constitution of India contains provisions regarding anti-defection?
- Second Schedule
  - Fifth Schedule
  - Eighth Schedule
  - Tenth Schedule

[2014]

# 2023-PRELIMS PREVIOUS YEAR QUESTIONS

## Type of the questions: Factual

1. In essence, what does 'Due Process of Law' mean?

- a) The principle of natural justice ✓
- b) The procedure established by law
- c) Fair application of law
- d) Equality before law

Difficulty level: Moderate

## EXPLANATION

### Due Process of Law

- Due process of law originated from the constitution of **United States**.
- It has much wider significance, but it is **not explicitly mentioned in the Indian constitution**. However it was recognized by the Supreme Court in **Maneka Gandhi Case, 1978**.
- This doctrine **protects individuals from the arbitrary actions of both the executive and the legislature** and **checks whether any law or procedures mentioned in the law are just, fair and reasonable**.
- **Fairness is a component of the Principles of Natural Justice**. Therefore, when assessing whether a law or its procedures are fair, we are essentially evaluating their conformity to the principles of natural justice. Thus, **in essence due process of law means the principles of natural justice**.

### The Principle of Natural Justice

- The Principle of Natural Justice refers to a set of fundamental principles that **ensure fairness and equity in legal proceedings**. It includes two main principles:

1. **The Right to be Heard**: This principle guarantees that **individuals involved in a legal or administrative process** have the right to present their case, respond to the opposing party's case, and have their arguments and evidence considered by an impartial decision-maker.

2. **The Rule Against Bias**: This principle ensures that the **decision-maker or adjudicator is unbiased and impartial**. It prohibits any decision being made by someone who has a conflict of interest or is predisposed to a particular outcome.

- These principles aim **to safeguard individuals from arbitrary or unfair treatment in legal or administrative proceedings**, contributing to the concept of **due process and ensuring fairness** in the administration of justice.

### The Procedure Established by Law

- "The Procedure Established by Law" refers to the **legal concept** that **governmental actions, including legal proceedings and law enforcement, must adhere to procedures prescribed by law**.
- It's a principle often associated with legal systems where laws enacted by the legislature determine the procedures to be followed.

### Fair Application of Law

- Fair application of law refers to the **just and impartial implementation of laws** and legal principles **without bias** or discrimination.
- It ensures that **laws are applied equally to all individuals**, regardless of their social status, wealth, race, religion, or other characteristics.

### Equality before Law

- "Equality before law" is a principle that asserts that **all individuals, regardless of their status, wealth, power, or any other characteristic, should be treated equally by the legal system**.
- It emphasizes that everyone should have **equal access to justice** and should be subject to the same laws and procedures without discrimination.

## RELATED PYQs

Q1. Which of the following are regarded as the main features of the "Rule of Law"?

- 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

[2018]

2. Which one of the following statements best reflects the Chief purpose of the 'Constitution' of a country?

- a) It determines the objective for the making of necessary laws.
- b) It enables the creation of political offices and a government.
- c) It defines and limits the powers of government. ✓
- d) It secures social justice, social equality and social security.

Difficulty level: Easy

## EXPLANATION

### Purpose of a Constitution

- To provide a **set of basic rules** that allow for minimal coordination amongst members of a society.
- To specify who has the **power to make decisions** in a society. It decides how the government will be constituted.
- The **chief purpose of the Constitution is to set some limits on what a government can impose on its citizens**. These limits are fundamental in the sense that the government may never trespass them.
  - » **Limited government** is the major idea behind **Constitutionalism**.
- To enable the government to **fulfil the aspirations of a society** and create conditions for a **just society**.

3. In India, which one of the following Constitutional Amendments was widely believed to be enacted to overcome the judicial interpretations of the Fundamental Rights?

- a) 1st Amendment ✓
- b) 42nd Amendment
- c) 44th Amendment
- d) 86th Amendment

Difficulty level: Moderate

## EXPLANATION

### The First Amendment Act 1951

- It was introduced in response to **judicial interpretations that restricted the government's ability to introduce special provisions** for the advancement of socially and educationally backward classes or Scheduled Castes and Scheduled Tribes.
- The need for this amendment arose due to the Supreme Court's decision in the **Srimathi Champakam Dorairajan vs State of Madras case in 1951**.
- The court ruled that the **government's reservation policy** based on religion, race, or caste **violated Article 15(1) and Article 29(2)** of the Constitution.
- To counter such interpretations, the First Amendment was enacted, **explicitly allowing the state to make special provisions for these marginalized groups** without being in conflict with Article 15 and Article 29(2).
- Additionally, the **First Amendment also expanded the scope of restrictions on freedom of speech and expression under Article 19(2)**. This amendment broadened the permissible limits to freedom of speech by introducing new grounds for imposing restrictions beyond those initially provided in the Constitution.

### 42nd Amendment, 1976

- It was enacted during the emergency by the former Prime Minister of India, **Indira Gandhi**.
- Due to the large number of amendments this act has brought to the Indian constitution it is also known as **Mini Constitution**.
- It attempted to **reduce the power of the Supreme Court and High Courts** to pronounce upon the constitutional validity of laws.
- It laid down the **Fundamental Duties** and included terms socialist, secular and integrity added to the **preamble**.

### 44th Amendment, 1978

- The 44th Amendment Act of 1978 in India was a significant milestone in **restoring some fundamental rights** that were curtailed or altered during the period of emergency in the mid-1970s.
- This amendment aimed to **rectify certain provisions** that had been controversially amended by the **42nd Amendment Act**, which expanded the powers of the government and restricted individual rights.

Changes made by 44th amendment act

Right to property was removed from the list of fundamental rights and was made a legal right under Article 300A.

An emergency can be proclaimed only on the basis of written advice tendered to the president by the cabinet.

Proclamation of emergency can be issued only when the security of India or any part of its territory is threatened by war or external aggression or by armed rebellion.

Right of the media to report freely and without censorship of the proceedings in Parliament and State Legislatures.

## 86th Amendment, 2002

- 86th amendment act 2002 made the **Right to Education a fundamental right**.
- It added **Article 21A** to the Indian constitution, which declares that the state shall provide **free and compulsory education to all children of age six to fourteen years**.
- The amendment also mandates the state to provide suitable **schooling and educational opportunities for children**.

### RELATED PYQs

Q1. 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?

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

[2018]

Q2. Consider the following statements:

- The 44th Amendment to the Constitution of India introduced an article placing the election of the Prime Minister beyond judicial review

2. Supreme Court of India struck down the 99th amendment to the Constitution of India as being violative of the independence of the judiciary

Which of the statements given above is/are correct?

- 1 only
- 2 only
- Both 1 and 2
- Neither 1 nor 2

[2019]

4. Consider the following organisations/ bodies in India :

- The National Commission for Backward Classes
- The National Human Rights Commission
- The National Law Commission
- The National Consumer Disputes Redressal Commission

How many of the above are constitutional bodies?

- Only one ✓
- Only two
- Only three
- All four

Difficulty level: Moderate

### EXPLANATION

#### The National Commission for Backward classes

- The National Commission for Backward classes was set up in **1993**.
- Through the **102nd Amendment Act of 2018** a new article **Article 338-B** inserted. Hence the commission ceased to be a statutory body and became a **constitutional body**.
- The commission consists of a **chairperson**, a **vice chairperson** and **three other members appointed by the president**. Their **conditions of service and tenure** of office are also **determined by the president**.

#### National Human Rights Commission

- The National Human Rights Commission is a **statutory body** under **Protection of Human Rights Act, 1993**.
- It is in conformity with the **Paris Principles** and the commission is the **watchdog of human rights** in the country.
- It is a **multi-member body** consisting of a **chairperson** and **five members**.

- The chairperson and members are **appointed by the president on the recommendation of a six member committee** consisting of the President, the Speaker of Lok Sabha, Deputy chairman of Rajya Sabha, Leaders of the Opposition in both the house of Parliament and the central Home Minister.

### The National Law Commission

- The National Law Commission is **neither a constitutional body nor a statutory body**, it is an **executive body** established by an order of the government of India.
- Its major function is to work for **legal reforms** and membership primarily comprises **legal experts**.
- The commission is established for a **fixed tenure** and works as an **advisory body to the Ministry of Law and Justice**.
- The **first Law Commission** in India was formed in **1955** with its chairman being the then **Attorney-General of India, M.C.Setalvad**.
- The **reports** by the commission are **not binding on the government**, which can either reject or accept them.

### The National Consumer Disputes Redressal Commission

- The National Consumer Disputes Redressal Commission is a **quasi-judicial** commission in India which was **set up in 1988** under the **Consumer protection act of 1986**.
- The commission is **headed by a sitting or retired judge of the supreme court of India**.
  - » Section 21 of the consumer protection act 1986 provides that the National Consumer Disputes Redressal Commission can entertain consumer complaints that are valued over Rs. 1 crore. As per the 2019 act that replaced the 1986 act, the commission will **entertain complaints valued above Rs. 10 crore**.

### RELATED PYQs

- Q1. The power to increase the number of judges in the Supreme Court of India is vested in
- the President of India
  - the Parliament
  - the Chief Justice of India
  - the Law Commission

[2014]

- Consider the following statements in respect of the Constitution Day

Statement-I:

The Constitution Day is celebrated on 26th November every year to promote constitutional values among citizens.

Statement-II:

On 26th November, 1949, the Constituent Assembly of India set up a Drafting Committee under the Chairmanship of Dr. B.R. Ambedkar to prepare a Draft Constitution of India.

Which one of the following is correct in respect of the above statements?

- Both Statement-I and Statement-II are correct and Statement-II is the correct explanation for Statement-I
- Both Statement-I and Statement-II are correct and Statement-II is not the correct explanation for Statement-I
- Statement-I is correct but Statement-II is incorrect ✓
- Statement-I is incorrect but Statement-II is correct

Difficulty level: Easy

### EXPLANATION

#### Constitution Day

- Constitution Day, also known as '**Samvidhan Divas**', is celebrated in our country on **26th November** every year to commemorate the adoption of the Constitution of India.
- On **26th November 1949**, the **Constituent Assembly of India** adopted the **Constitution of India**, which **came into effect from 26th January 1950**.
- The **Ministry of Social Justice and Empowerment** on 19th November 2015 notified the decision of Government of India to celebrate the 26th day of November every year as 'Constitution Day' to promote the **Constitutional values among citizens**.

#### Drafting Committee

- The **most important committee of the Constituent Assembly**, which was **formed in August 1947**, was tasked with the prime responsibility of **drafting the Constitution**.
- Since its establishment in 1947, the drafting committee took 2 years, 11 months, and 18 days to frame the full Constitution of India.

It consisted of **seven members**. They were:

1. **Dr. B R Ambedkar** (Chairman)
2. **N Gopalaswamy Ayyangar** (Vice Chairman)
3. **Alladi Krishnaswamy Ayyar**
4. **Dr. K M Munshi**
5. **Syed Mohammad Saadullah**
6. **N Madhava Rau** (He replaced B L Mitter who resigned due to ill health)
7. **T T Krishnamachari** (He replaced D P Khaitan who died in 1948)

### Type of the questions: Current Affairs

1. Consider the following statements :

**Statement-I :**

**In India, prisons are managed by State Governments with their own rules and regulations for the day-to-day administration of prisons.**

**Statement-II :**

**In India, prisons are governed by the Prisons Act, 1894 which expressly kept the subject of prisons in the control of Provincial Governments.**

Which one of the following is correct in respect of the above statements?

- a) Both Statements-I and Statement-II are correct and Statement-II is the correct explanation for Statement-I ✓
- b) Both Statements-I and Statement-II are correct and Statement-II is not the correct explanation for Statement-I
- c) Statement-I is correct but Statement-II is incorrect
- d) Statement-I is incorrect but Statement-II is correct

Difficulty level: Easy

**Relevance:** National Crime Record Bureau has released Prison Statistics in India report.

### EXPLANATION

- The **Article 246** of the Indian Constitution places 'prisons, reformatories, borstal institutions' and other institutions of a like nature and the 'persons detained therein' under the **state list**.

- The responsibility of prison management and prisoners administration **solely rests on the state governments** who alone are competent to make appropriate legislations in this regard. Thus statement 1 is correct.

### PRISONS ACT, 1894

- It is the first act in India legislated during the colonial era to administer and regulate prisons.
- The **act defines "prison"** as any jail or place used permanently or temporarily under the general or special orders of a State Government for the detention of prisoners, and includes all lands and buildings appurtenant thereto.
- **State government shall provide for the accommodation of prisoners.**
- The **act kept the subject of prisons expressly in the control of provincial governments** which was **then transferred to respective state governments after independence**. Thus statement 2 is correct.
- Prison and Prisoners have been administered by the provincial/ state government since the enactment of Prisons Act 1894. It was later placed under state list during the enactment of our constitution. Therefore both the statements are correct and statement 2 is the correct explanation of statement 1, option (a) is the correct answer.

### The Model Prisons Act, 2023

- **Guiding document** for the states to initiate prison reforms.
- The **relevant provisions of 'The Prisons Act 1894', 'The Prisoners Act, 1900' and the 'Transfer of Prisoners Act, 1950' have been assimilated** in this act.
- Provision for **separate accommodation for women prisoners, transgenders** etc.
- Provision for bringing in **technology in administration** to enhance transparency.
- Provision for legal aid to prisoners, **provision of parole, furlough and premature release** etc. to incentivise good conduct.
- Focus on **vocational training and skill development of prisoners** and their reintegration into the society.
- **Grievance redressal, prison development board, attitudinal change towards prisoners.**

2. Consider the following statements in relation to Janani Suraksha Yojana :

- 1) It is a safe motherhood intervention of the State Health Departments.
- 2) Its objective is to reduce maternal and neonatal mortality among poor pregnant women.
- 3) It aims to promote institutional delivery among poor pregnant women.
- 4) Its objective includes providing public health facilities to sick infants up to one year of age.

How many of the statements given above are correct?

- a) Only one
- b) Only two ✓
- c) Only three
- d) All four

Difficulty level: Moderate

**Relevance:** The recently conducted CSDS-LOKNITI HEALTH SURVEY found that close to a quarter of people have benefited from popular health schemes, including Ayushman Bharat(28%), Janani Shishu Suraksha Karyakaram(24%) and Janani Suraksha yojana(20%).

### EXPLANATION

#### Janani Suraksha Yojana (JSY)

- Janani Suraksha Yojana (JSY) is a **safe motherhood intervention** under the **National Health Mission**. (Hence statement 1 is incorrect).
- It is being implemented with the objective of **reducing maternal and neonatal mortality** by **promoting institutional delivery** among poor pregnant women.
- The scheme, launched on 12 April **2005** by the Hon'ble Prime Minister, is **under implementation in all states and Union Territories (UTs)**, with a **special focus on Low Performing States (LPS)**.
- JSY is a **centrally sponsored scheme**, which integrates **cash assistance** with **delivery and post-delivery care**.
- The Yojana has identified **Accredited Social Health Activist (ASHA)** as an effective **link between the government and pregnant women**.
- States were classified into **Low Performing States and High Performing States** on the basis

of institutional delivery rate i.e. states having **institutional delivery 25% or less** were termed as **Low Performing States (LPS)** and those which have institutional delivery rate **more than 25%** were classified as **High Performing States (HPS)**.

» The 10 states namely the **eight EAG states** (Bihar, Chattisgarh, Jharkhand, Madhya Pradesh, Orissa, Rajasthan, Uttarakhand, and Uttar Pradesh) and the states of **Assam and Jammu & Kashmir** would constitute LPS and the rest HPS.

- Under the JSY, **eligible pregnant women are entitled to cash assistance irrespective of the mother's age and number of children** for giving birth in a government or accredited private health facility.
- Under the **Janani Shishu Suraksha Karyakaram scheme** (and not under JSY), **all pregnant women and infants will get free treatment benefits at public health institutions** including zero expenses delivery. (Hence statement 4 is incorrect)

3. Consider the following statements in the context of interventions being undertaken under Anaemia Mukt Bharat Strategy :

- 1) It provides prophylactic calcium supplementation for pre-school children, adolescents and pregnant women.
- 2) It runs a campaign for delayed cord clamping at the time of child- birth.
- 3) It provides for periodic deworming to children and adolescents.
- 4) It addresses non-nutritional causes of anaemia in endemic pockets with special focus on malaria, hemoglobinopathies and fluorosis.

How many of the statements given above are correct?

- a) Only one
- b) Only two
- c) Only three ✓
- d) All four

Difficulty level: Moderate

**Relevance:** WHO launches its first-ever comprehensive framework on reducing anaemia, calling on countries to accelerate action to halve anaemia prevalence in women of reproductive age by 2025.

## EXPLANATION

### Anaemia

- Anaemia is a condition in which the **number of red blood cells or the haemoglobin concentration within them is lower than normal**, which results in fatigue, weakness, dizziness etc.
  - Iron deficiency** is considered the most common nutritional deficiency leading to anaemia. **Deficiencies in vitamin A, folate, vitamin B12 and riboflavin** can also result in anaemia.
  - Anaemia is a **serious global public health problem** that particularly affects **young children, menstruating adolescent girls and women, and pregnant and postpartum women**.
- In **2018**, the Government of India launched the **Anaemia Mukht Bharat (AMB) strategy** with the target to **reduce anaemia in the vulnerable age groups** such as women, children and adolescents in life cycle approach.
- It provides **preventive and curative mechanisms** through a **6X6X6 strategy** including six target beneficiaries, six interventions and six institutional mechanisms for all stakeholders to implement the strategy.

## Features

- Prophylactic Iron** (not Prophylactic Calcium) and **Folic Acid Supplementation in all six target age groups including pre-school children, adolescents and pregnant women**. (Hence Statement 1 is incorrect)
- Intensified year-round Behaviour Change Communication (BCC) Campaign** for:
  - » **ensuring delayed cord clamping after delivery (by 3 minutes)** in health facilities.
  - » improving compliance to **Iron Folic Acid supplementation and deworming**.
  - » encouraging increase in **intake of iron-rich food through diet diversity/quantity/frequency** and/or fortified foods with focus on harnessing locally available resources.
- The AMB strategy addresses **non-nutritional causes** of anaemia in endemic pockets with **special focus on malaria, hemoglobinopathies and fluorosis**.
- It provides **incentives to the ANM (Auxiliary Nurse and Midwife)** for identification and follow-up of pregnant women with severe anaemia in high priority districts (HPDs).

## Type of the questions: Conceptual

### 1. Consider the following statements :

- 1) According to the Constitution of India, the Central Government has a duty to protect States from internal disturbances.
- 2) The Constitution of India exempts the States from providing legal counsel to a person being held for preventive detention.
- 3) According to the Prevention of Terrorism Act, 2002, confession of the accused before the police cannot be used as evidence.

### How many of the above statements are correct?

- a) Only one
- b) Only two ✓
- c) All three
- d) None

Difficulty level: Moderate

**ANEMIA MUKHT BHARAT 6x6x6 STRATEGY**

**6 Beneficiaries:**

- Children, 6-59 months of age
- Adolescent girls and boys (10-19 years of age)
- Pregnant women
- Children, 5-9 years of age
- Women of reproductive age (20-24 years of age)
- Lactating mothers (of 0-6 months child)

**6 Interventions:**

- Prophylactic Iron Folic Acid Supplementation
- Deworming
- Intensified year-round Behaviour Change Communication Campaign (Solid Body, Smart Mind) including ensuring delayed cord clamping
- Texting of Anaemia using digital methods and point of care treatment
- Mandatory Provision of Iron Folic Acid fortified foods in public health programmes
- Addressing non-nutritional causes of anaemia in endemic pockets, with special focus on malaria, haemoglobinopathies and fluorosis

**6 Institutional Mechanisms:**

- National Anaemia Mukht Bharat Unit
- Intra Ministerial Coordination
- Strengthening Supply Chain and Logistics
- Convergence with Other Ministries
- National Centre of Excellence and Advanced Research on Anaemia Control
- Anaemia Mukht Bharat Dashboard and Digital Portal - One Stop Shop for Anaemia

Designed to reduce Prevalence of Anaemia by 3 percentage points per year between the year 2018 and 2022

Anemia Mukht Bharat Dashboard: <https://anemiamukhtbharat.info>

unicef for every child

## EXPLANATION

### Article 355 of Indian Constitution

- Article 355 imposes a duty on the Central Government to **protect every state** from **external aggression** as well as **internal disturbances**.
- The article also mentions that the centre should ensure that the **Government of every State** is carried on **in accordance with the provisions of this Constitution**.

### Preventive Detention

- Preventive detention means to detain a person so that **to prevent that person from committing any possible crime**.

### Article 22 of the Indian Constitution grants protection to persons who are arrested or detained:

- **Clause (1)** Upon arrest, the individual must be informed promptly of the grounds for their arrest. They also have the right to consult and be defended by a legal practitioner of their choice.
- **Clause (2)** Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest and no such person shall be detained in custody beyond the said period without the authority of a magistrate.
- **Clause (3)- Exceptions to Clauses (1) and (2):** Provisions mentioned in Clause (1) and (2) are not applicable to:
  - (a) to any person who for the time being is an **enemy alien**; or
  - (b) to any person who is **arrested or detained under any law providing for preventive detention**.
- Hence, According to Clause (3) of Article 22 of the Constitution of India, it is **not mandatory for states to provide access to legal counsel to the person held for preventive detention**.

### Prevention of Terrorism Act, 2002

- The Prevention of Terrorism Act, 2002 (POTA) was passed by the Parliament of India to **strengthen anti-terrorism operations**.
- The Act was enacted in response to several terrorist attacks in India, especially the **attack on the Parliament**.
- POTA provided **law enforcement agencies with even more extensive powers**. It was **repealed** in 2004 by UPA after concerns were raised regarding

human rights violations.

### Certain confessions made to police officers to be taken into consideration:

#### 1. Admissibility of Confession:

- **Confessions made by a person before a police officer not lower in rank than a Superintendent of Police**, and recorded in writing or on electronic devices like tapes or sound tracks, are **admissible in the trial of that person for an offense** under the specified Act or its related rules. Thus **confession of the accused before the police can be used as an evidence**.

#### 2. Explanations and Prohibitions:

- Before recording any confession, the **police officer must inform the person in writing that they are not obligated to confess**, and **if they do, it may be used against them**.
- The police officer **cannot compel or induce the person to make a confession** if the person prefers to remain silent.

#### 3. Conditions for Recording:

- The confession must be **recorded in an atmosphere free from threat or inducement**, and it should be in the language in which the person makes it.

#### 4. Court Production and Verification:

- The person from whom the confession has been recorded must be **presented before the Court of a Chief Metropolitan Magistrate or a Chief Judicial Magistrate within forty-eight hours**, along with the original statement of confession (written or recorded on a device).

#### 2. With reference to Home Guards, consider the following statements:

- 1) **Home Guards are raised under the Home Guards Act and Rules of the Central Government.**
- 2) **The role of the Home Guards is to serve as an auxiliary force to the police in maintenance of internal security.**
- 3) **To prevent infiltration on the international border/coastal areas, the Border Wing Home Guards Battalions have been raised in some States.**

How many of the above statements are correct?

- a) Only one
- b) Only two ✓
- c) All three
- d) None

Difficulty level: Moderate

## EXPLANATION

### Home Guards

- 'Home Guards' is a **voluntary force**, first raised in India in December **1946**, to assist the police in **controlling civil disturbance** and **communal riots**.
- Subsequently, the **concept of the voluntary citizen's force** was adopted by several States. In the wake of Chinese aggression in 1962, the Centre advised the States and Union Territories to merge their existing voluntary organisation into one uniform voluntary force known as Home Guards.
- Home Guards are **raised under the Home Guards Act and Rules of the States/Union Territories**. Thus they are **not formed under the Rules of Central Government**.
- The role of Home Guards is to serve as an **auxiliary force** to the Police in maintenance of internal security situations, **help the community in any kind of emergency** such as an air-raid, fire, cyclone, earthquake, epidemic etc., help in maintenance of essential services, promote communal harmony and assist the administration in protecting weaker sections, participate in socio-economic and welfare activities and perform Civil Defence duties.
- Home Guards are of **two types** – **Rural** and **Urban**.
- **Fifteen Border Wing Home Guards (BWHG) Battalions** have been **raised in the border States** viz. Punjab (6 Bns.), Rajasthan ( 4 Bns.), Gujarat (2 Bns.) and one each Battalion for Meghalaya, Tripura and West Bengal.
- It is to serve as an **auxiliary to Border Security Force for preventing infiltration** on the international border/coastal areas, guarding of VA/VPs and lines of communication in vulnerable area at the time of external aggression.
- **Amenities and facilities** given to Home Guards include free uniform, duty allowances and award for gallantry, distinguished and meritorious services.
- The **Ministry of Home Affairs** formulates the policy in respect of role, raising, training, equipping, establishment and other important matters of Home Guards Organisation.
- **Expenditure on Home Guards is generally shared between Centre and State Government** in the ratio 25% by the Centre and 75% by the State Government.

3. With reference to the Finance Bill and Money Bill in the Indian Parliament, consider the following statements :

- 1) When the Lok Sabha transmits the Finance Bill to the Rajya Sabha, it can amend or reject the Bill.
- 2) When the Lok Sabha transmits Money Bill to the Rajya Sabha, it cannot amend or reject the Bill, it can only make recommendations.
- 3) In the case of disagreement between the Lok Sabha and the Rajya Sabha, there is no joint sitting for Money Bill, but a joint sitting becomes necessary for the Finance Bill.

How many of the above statements are correct?

- a) Only one ✓
- b) Only two
- c) All three
- d) None

Difficulty level: Moderate

## EXPLANATION

### Finance Bill

- A **Finance Bill is a Money Bill** as defined in **Article 110** of the Constitution.
- The proposals of the government for **levy of new taxes, modification of the existing tax structure** or continuance of the existing tax structure beyond the period approved by Parliament are submitted to Parliament through this bill.
- The Finance Bill can be **introduced only in Lok Sabha**.
- However, the **Rajya Sabha can recommend amendments in the Bill**. The **bill has to be passed by the Parliament within 75 days** of its introduction.
- In the case of a **Money Bill**, it can **only be initiated in the Lok Sabha**. Upon passage, it is sent to the **Rajya Sabha**, which **can make suggestions to the bill but cannot reject or amend it**.
- If there arises a situation where there is a **disagreement between Lok Sabha and Rajya Sabha over a Money Bill**, there is **no provision for a joint sitting** of the two Houses.
- A **Finance Bill and a Financial Bill are different**. The former is a sub-categorization of the latter.



## Financial Bills

- Financial Bills are those bills that deal with **fiscal matters**, which include **revenue** and **expenditure**.
- Technically, **financial bills are of 3 kinds**:
  - 1. Money Bills (Article 110)**
  - 2. Financial Bills (I) (Article 117)**
  - 3. Financial Bills (II) (Article 117)**
- All money bills are financial bills, but not all financial bills are money bills.**

### Financial Bill (I):

- It can be **introduced only in the Lok Sabha** (similar to a money bill) with the **prior recommendation of the President**.
- They can be either **rejected or amended by both the Rajya Sabha and Lok Sabha**.
- Upon disagreement between Rajya Sabha and Lok Sabha, there is a **provision for joint sitting** summoned by the President.
- President's options: Give his assent or withhold his assent or return the bill** for reconsideration of both houses.

### Financial Bill (II):

- It can be **introduced in either house of the Parliament**.
- Prior recommendation of the President is not necessary** at the introduction stage of the bill, but it is required at the consideration stage.
- It can be **either rejected or amended by both the Rajya Sabha and Lok Sabha**.
- Upon disagreement between Rajya Sabha and Lok Sabha, there is a **provision for joint sitting** summoned by the President.

## Money Bills

- Money Bills are defined in **Article 110** of the Indian Constitution.
- It can only be **introduced in the Lok Sabha** by a **Central Government Minister** and **not by a private member** of the Parliament.
- The **decision to endorse a Bill as a Money Bill rests with the Speaker of Lok Sabha**.
- After the Lok Sabha passes the bill, it is forwarded to the Rajya Sabha for consideration.

- Rajya Sabha is entitled to **return the bill to Lok Sabha within 14 days with or without recommendations**. The latter can **either accept or reject all or any of the recommendations of the Rajya Sabha**.

## RELATED PYQs

Q1. What will follow if a Money Bill is substantially amended by the Rajya Sabha?

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

[2013]

Q2. Consider the following statements:

- The Rajya Sabha has no power either to reject or to amend a Money Bill.
- The Rajya Sabha cannot vote on the Demands for Grants.
- The Rajya Sabha cannot discuss the Annual Financial Statement.

Which of the statements given above is/are correct?

- 1 only
- 1 and 2 only
- 2 and 3 only
- 1, 2 and 3

[2015]

## Type of the questions: Application

### 1. Consider the following statements :

- 1) If the election of the President of India is declared void by the Supreme Court of India, all acts done by him/her in the performance of duties of his/her office of President before the date of decision become invalid.
- 2) Elections for the post of the President of India can be postponed on the ground that some Legislative Assemblies have been dissolved and elections are yet to take place.
- 3) When a Bill is presented to the President of India, the Constitution prescribes time limits within which he/she has to declare his/her assent.

How many of the above statements are correct?

- a) Only one
- b) Only two
- c) All three
- d) None ✓

Difficulty level: Easy

Relevance: Presidential election held in India last year.

## Election of the President

Article 71 deals with matters relating to the election of the President.

- (1) The **Supreme Court** of India is responsible for **resolving any doubts or disputes that arise in connection with the election of a President or Vice President**. The decision made by the Supreme Court is **final** and **binding**.
- (2) If the **Supreme Court declares the election of a President or Vice President void, any acts performed** by the person in the exercise of their powers and duties as President or Vice President **before the date of the decision will not be invalidated**. (Therefore statement 1 is incorrect)
- (3) **Parliament has the power to regulate any matter related to or connected with the election of a President or Vice President**, subject to the provisions of the Indian Constitution.
- (4) The election of a President or Vice President **cannot be challenged on the grounds of the existence of any vacancy among the members of the electoral college** electing them.

- When an assembly is dissolved, the members cease to be qualified to vote in presidential elections, even if fresh elections to the dissolved assembly are not held before the presidential election. **The election of a person as President cannot be challenged on the ground that the electoral college was incomplete**. (Therefore statement 2 is incorrect)

## Legislative Powers of the President

When a bill is presented to the President after being passed by the Parliament, he can:

1. Give assent to the bill.
2. Withhold his assent to the bill.
3. Return the bill for reconsideration of Parliament (if again passed by Parliament, President has to give his assent to the bill).

When a bill passed by the state legislature is presented to the President, he can:

1. Give his assent to the bill.
2. Withhold his assent to the bill.
3. Direct the Governor to return the bill for reconsideration (it is not obligatory for the President to provide his assent to the bill if it is again passed and sent to him).

The President of India enjoys 3 Veto powers:

1. **Absolute Veto** (withholding assent to the bill)
  2. **Suspensive Veto** (returns the bill for reconsideration)
  3. **Pocket Veto** (President neither ratifies nor rejects nor return the bill but simply keeps the bill pending for an indefinite period)
- The **constitution does not prescribe any time limit within which he has to take the decision with respect to a bill presented to him** for consideration (except constitutional amendment bill which he has to give his assent). (Therefore statement 3 is incorrect)
  - **USA** on the other hand, the **President has to return the bill for reconsideration within 10 days**.
  - For example in 1986, **President Zail Singh exercised pocket veto with respect to Indian Post Office (amendment) Bill** passed by the Rajiv Gandhi government. It was later sent back for reconsideration by President R Venkataraman after 3 years.

2. Consider the following statements in respect of election to the President of India :

- 1) The members nominated to either House of the Parliament or the Legislative Assemblies of States are also eligible to be included in the Electoral College.
- 2) Higher the number of elective Assembly seats, higher is the value of vote of each MLA of that State.
- 3) The value of vote of each MLA of Madhya Pradesh is greater than that of Kerala.
- 4) The value of vote of each MLA of Puducherry is higher than that of Arunachal Pradesh because the ratio of total population to total number of elective seats in Puducherry is greater as compared to Arunachal Pradesh.

How many of the above statements are correct?

- a) Only one ✓
- b) Only two
- c) Only three
- d) All four

Difficulty level: Moderate

## EXPLANATION

### President 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. **Article 52** of the Constitution deals with the office of President.

### Election of the President

- **Article 55 (3)** of the Constitution provides that 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**. MPs and MLAs vote based on parity and uniformity values.
- As per **Article 62** of the Constitution of India, an **election to fill the vacancy caused by the expiration** of the term of office of the outgoing President is required to be **completed before the expiration of the term**.
- The **political parties cannot issue any whip** to their MPs and MLAs in the matter of voting in the Presidential election.

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 state
  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**.

### Uniformity in the scale of representation of states

- To maintain the proportionality between the values of the votes, the following formula is used:
  - » **Value of vote of an MLA = total no. of the population of the particular state / number of elected MLAs of that state divided by 1000.**
- Hence, **higher the number of elective assembly seats, lower is the value of vote of each MLA of that State.**
- As per the population and number of assembly seats the **value of vote of each MLA of Madhya Pradesh is 131** which is less than that of Kerala where it is 152.
- The **value of vote of each MLA of Puducherry (16) is higher than that of Arunachal Pradesh (8)** because the ratio of total population to total number of elective seats in Puducherry is greater as compared to Arunachal Pradesh.

### Single vote system

- During the presidential election, one voter can cast only one vote. While the **MLAs vote may vary state to state**, the **MPs vote always remain constant**.

### MPs and MLAs vote balance

- The **number of the total value of the MPs votes must equal the total value of the MLAs** to maintain the State and the Union balance.

## RELATED PYQs

Q1. Consider the following statements:

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

[2013]

Q2. Consider the following statements:

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

[2014]

Q3. 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 following statements given above is/are Correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 Or 2

[2018]

3. With reference to 'Scheduled Areas' in India, consider the following statements :

- 1) Within a State, the notification of an area as Scheduled Area takes place through an Order of the President.
- 2) The largest administrative unit forming the Scheduled Area is the District and the lowest is the cluster of villages in the Block.
- 3) The Chief Ministers Of the concerned States are required to submit annual reports to the Union Home Ministry on the administration of Scheduled Areas in the States.

How many of the above statements are correct?

- a) Only one
- b) Only two ✓
- c) All three
- d) None

Difficulty level: Moderate

Relevance: Scheduled areas frequently seen in news over the issue of tribal land rights.

## EXPLANATION

- **Article 244** in **Part X** of the Constitution envisages a special system of administration for certain areas designated as 'Scheduled Areas' and 'Tribal Areas'.
- **Article 244(1)** refers to provisions under the **Fifth Schedule** and **Article 244(2)** provides those under the **Sixth Schedule**.
- The **Fifth Schedule** of the Constitution deals with the **administration and control of scheduled areas and scheduled tribes** in any state **except the four states of Assam, Meghalaya, Tripura and Mizoram**.
- The **Sixth Schedule** of the Constitution, on the other hand, deals with the administration of the tribal areas in the **four northeastern states of Assam, Meghalaya, Tripura and Mizoram**.
- The purpose of Scheduled Areas is **to preserve tribal autonomy**, their culture and economic empowerment to ensure social, economic and political justice, and preservation of peace and good governance.

The First Scheduled Areas and Scheduled Tribes Commission (**Dhebar Commission**) (1960-61) laid down the following **criteria for declaring any area as a 'Scheduled Area'** under the Fifth Schedule.

1. **Preponderance of tribal population** (not less than 50 percent)

2. **Compactness and reasonable size** of the area
  3. **Underdeveloped nature** of the area
  4. **Marked disparity in the economic standard** of the people, as compared to the neighbouring states.
- More recently, a **viable administrative entity such as a district , block or taluk**, has been identified as an important additional criteria.

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

- The **President is empowered to declare an area to be a scheduled area**. He can also increase or decrease its area, alter its boundary lines in consultation with the governor of the state concerned.
- The fundamental administrative unit of the scheduled area was defined under the **PESA (Panchayats Extension to Scheduled Areas) Act, 1996**.
- The **largest administrative unit forming the Scheduled Area is the District** and the **lowest is the cluster of villages in the Block**. Most of the districts form scheduled areas only partially.
- The **Governor of the State (not Chief Minister) has to submit a report to the President** regarding the administration of such areas, annually or whenever so required by the President.
- The **Governor** is empowered to **direct that any particular act of Parliament or the State Legislature does not apply to a Scheduled Area** or apply with specified modifications and exceptions.

### RELATED PYQs

Q1. The Government enacted the Panchayat Extension to Scheduled Areas (PESA) Act in 1996. Which one of the following is not identified as its objective?

- a) To provide self-governance
- b) To recognize traditional rights
- c) To create autonomous regions in tribal areas
- d) To free tribal people from exploitation

[2013]

4. With reference to India, consider the following pairs:

<i>Action</i>	<i>The Act under which it is covered</i>
1) <b>Unauthorized wearing : of police or military Act, 1923 uniforms</b>	<b>The Official Secrets Act, 1923</b>
2) <b>Knowingly misleading : or otherwise interfering with a police officer or military officer when engaged in their duties</b>	<b>The Indian Evidence Act, 1872</b>
3) <b>Celebratory gunfire : which can endanger the personal safety of others</b>	<b>The Arms (Amendment) Act, 2019</b>

**How many of the above pairs are correctly matched?**

- a) Only one
- b) Only two ✓
- c) All three
- d) None

**Difficulty level:** Hard

**Relevance:** Acts are often seen in news

- ✓ The Official Secrets Act is in news for its reexamination and controversy on different provisions within the Act.
- ✓ The Arms (Amendment) Act, 2019 was in news for the Delhi High Court's statement on the possession of a third firearm for Rifle Club.

### EXPLANATION

#### The Official Secrets Act, 1923

- The Official Secrets Act was first enacted in **1923** and was retained after Independence. The law, **applicable to government servants and citizens**, provides the framework for dealing with **espionage, sedition**, and other potential threats to the integrity of the nation.
- The law makes spying, sharing 'secret' information, unauthorised use of uniforms, withholding information, interference with the armed forces in prohibited/restricted areas, among others, **punishable offences. If guilty**, a person may get up to **14 years' imprisonment**, a fine, or both.
- **Section 6** of the Act clearly states that **if any person is found to be unauthorizedly using the police or military uniforms**, they will be **held guilty** of an offence under this section (Hence pair 1 is correct).

- **Section 7** of the Official Secrets Act, 1923 states that **no person in the vicinity of any prohibited place shall obstruct, knowingly mislead or otherwise interfere with or impede**, any police officer, or any member of (the Armed Forces of the Union) engaged on guard, sentry, patrol, or other similar duty in relation to the prohibited place (Hence the second pair is incorrect).

### The Arms (Amendment) Act, 2019

- The The Arms (Amendment) Act, 2019 enhanced the punishment for existing offences like **illegal manufacture, sale, transfer, etc.; illegal acquiring, possessing or carrying prohibited arms or prohibited ammunition**; and illegal manufacture, sale, transfer, conversion, import, export, etc., of firearms.
- It also added new offences and prescribing punishment for them, such as for **taking away firearms from police** or armed forces, involvement in **organized crime** syndicate, **illicit trafficking** including smuggled firearms of foreign make or prohibited arms and prohibited ammunition, **use of firearms in rash and negligent manner in celebratory gunfire endangering human life**, etc.
- Further, it also **enhanced the period of arms license** from **three years to five years** and to issue arms license in its electronic form to prevent forgery.

#### New offences under the Act

- forcefully taking a firearm from police or armed forces**, punishable with imprisonment between 10 years and life imprisonment, along with fine,
- using firearms in a celebratory gunfire which endangers human life or personal safety of others**, punishable with imprisonment of up to two years, or fine of up to one lakh rupees, or both. Celebratory gunfire refers to use of firearms in public gatherings, religious places, marriages or other functions to fire ammunition (Hence pair 3 is correct)

### The Indian Evidence Act, 1872

- It is a crucial legislation that governs the **rules and procedures pertaining to the admissibility, relevancy and weightage of evidence in Indian courts**.
- It **extends to the whole of India**. The Act **applies to all judicial proceedings in or before any Court in India**, including Courts-martial (except those

convened under the Army Act, the Naval Discipline Act, or the Indian Navy Discipline Act, 1934, or the Air Force Act), but not to affidavits presented to any Court or officer, or proceedings before an arbitrator.

#### Key Provisions and Principles:

1. Relevancy of Facts
2. Facts that need not be Proved
3. Oral and Documentary Evidence
4. Burden of Proof
5. Estopper- a legal principle that prevents a person from denying or asserting something contrary to what they previously stated or accepted
6. Examination of Witnesses
7. Privileged Communications
8. Confessions and Statements

#### 5. Consider the following statements:

##### Statement-I :

**The Supreme Court of India has held in some judgments that the reservation policies made under Article 16(4) of the Constitution of India would be limited by Article 335 for maintenance of efficiency of administration.**

##### Statement-II :

**Article 335 of the Constitution of India defines the term 'efficiency of administration'.**

**Which one of the following is correct in respect of the above statements?**

- Both Statement-I and Statement-II are correct and Statement-II is the correct explanation for Statement-I**
- Both Statement-I and Statement-II are correct and Statement-II is not the correct explanation for Statement-1**
- Statement-I is correct but Statement-II is incorrect ✓**
- Statement-1 is incorrect but Statement-II is correct**

Difficulty level: Hard

**Relevance:** A three-judge bench headed by Justice Nageswara Rao said that states are obligated to collect data on the inadequacy of representation of SCs/STs.

## EXPLANATION

- **Article 16:** 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.
- **Article 16(4)** provides for **reservation of jobs in favour of backward class citizens** which, in the opinion of the state, is not adequately represented in the services under the state.
- **Article 16(4A)** introduced **reservation in promotions for SC/STs** in public employment.
- **Article 335:** The claims of members of SC/STs shall be taken into consideration while making appointments to services and posts under the Union and states but should be consistent with the **maintenance of efficiency of administration.**

- In the **Indira Sawhney vs Union of India Case (1992)**, the supreme court has ruled that **reservation under Article 16(4) could not exceed 50% unless in extraordinary circumstances** to ensure that efficiency of administration is not affected.
- The Supreme Court in **M. Nagaraj vs Union of India case (2006)** held that **any reservation policy under Article 16(4A) shall not affect the overall efficiency of administration.**
- Thus the SC in various judgments has held that **reservation policies made under Article 16(4) would be limited by Article 335 to maintain efficiency of administration.** (Therefore statement 1 is correct)
- **Article 335** of the Constitution mentions 'efficiency of administration' as a limitation to Article 16(4) but it **does not define the term 'efficiency of administration'**. (Therefore statement 2 is incorrect)

**The Nagaraj ruling also laid down three conditions which the State must fulfil before granting reservation in promotion to SCs and STs.**

1. The **State is not bound to make reservations for SC/ST in matters of promotions.**
2. The **State has to collect quantifiable data showing backwardness** of the class and inadequacy of representation of that class in public employment.
3. The State will have to see that its **reservation provision does not lead to excessiveness** so as to **breach the ceiling-limit of 50%.**

6. Consider the following statements :

**Statement-I :**

**India's public sector health care system largely focuses on curative care with limited preventive, promotive and rehabilitative care.**

**Statement-II :**

**Under India's decentralized approach to health care delivery, the States are primarily responsible for organizing health services.**

**Which one of the following is correct in respect of the above statements?**

- a) **Both Statement-I and Statement-II are correct and Statement-II is the correct explanation for Statement-I**
- b) **Both Statement-I and Statement-II are correct and Statement-II is not the correct explanation for Statement-I ✓**
- c) **Statement-I is correct but Statement-II is incorrect**
- d) **Statement-I is incorrect but Statement-II is correct**

Difficulty level: Moderate

**Relevance:** National Health Accounts Estimates for India (2019-20) prepared by National Health Accounts Technical Secretariat (NHATS) released recently.

## EXPLANATION

- **Curative care** focuses on curing a disease or promoting recovery from an injury or illness.
- **Preventive care** is to be proactive and start taking advantage of the resources available to avoid health issues.
- **Promotive health care** is the process of enabling people to increase control over, and to improve, their health.
- **Rehabilitative care** is defined as "a set of interventions designed to optimize functioning and reduce disability in individuals with health conditions in interaction with their environment".

### India's Public Health Care System

- India's public health care system is **multilayered.**
- While the **Sub-centres and PHCs provide primary healthcare**, the **CHCs provide secondary healthcare** and **District hospitals & Medical hospitals provide tertiary care.** This system of multilayered affordable healthcare institutions implement public healthcare programmes and form the **backbone of the Indian healthcare system.**

## Status of India's Public Health Care System

- There are 157749 SCs, 30563 PHCs and 6003 CHCs, 1225 sub-divisional hospitals and 757 District hospitals as of 2021 whereas there are only 495 Integrated Rehabilitation Centre for Addicts(IRCA) as of 2020. This vast difference in the number of curative health care institutions and rehabilitative care institutions shows that **our public health care system largely focuses on curative healthcare** with little preventive, promotive and rehabilitative care. (Therefore statement 1 is correct)

## Delivery of Public Health Care

- **Public health and sanitation** is under the **State List** of the **7th Schedule** in the Constitution.
- The Union government has the regulatory power and oversees national health programmes, whereas the **state governments are responsible for organising and providing healthcare facilities to the public**, implementing national health schemes, managing workforce, collecting various health related information and supervising local health care units. (Therefore statement 2 is correct)
- The **focus on curative care is a nationwide trend and not particular to any state**. This shows that the **decentralised public health care delivery system is not the reason behind India's over emphasis on curative care**. (Therefore statement 2 is not the correct explanation of statement 1. Thus the correct answer is option (b)).

7. Consider the following statements in respect of the National Flag of India according to the Flag Code of India, 2002 :

Statement-I :

One of the standard sizes of the National Flag of India is 600 mm x 400 mm.

Statement-II :

The ratio of the length to the height (width) of the Flag shall be 3:2.

Which one of the following is correct in respect of the above statements?

- Both Statement-I and Statement-II are correct and Statement-II is the correct explanation for Statement-I
- Both Statement-I and Statement-II are correct and Statement-II is not the correct explanation for Statement-I
- Statement-I is correct but Statement II is incorrect
- Statement-I is incorrect but Statement-II is correct ✓

Difficulty level: Moderate

**Relevance:** In relation with launching of har ghar tiranga campaign, the Ministry of Home Affairs has amended the Flag Code of India 2002.

## EXPLANATION

- The Indian National Flag represents the **hopes and aspirations of the people** of India.
- It is the symbol of our **national pride** and there is **universal affection** and respect for, and loyalty to, the National Flag.
- Apart from non- statutory instructions issued by the Government from time to time, display of the National Flag is governed by the provisions of the **Emblems and Names (Prevention of Improper Use) Act, 1950** and the **Prevention of Insults to National Honour Act, 1971**.

## The Flag Code of India, 2002

- Flag Code of India, 2002 is an **attempt to bring together all such laws**, practices and instructions for the benefit of all concerned. It governs the display of the National Flag by private, public, and government institutions.
- The National Flag shall be a **tri-colour panel** made up of **three rectangular panels of equal width (Top- India saffron, Middle- white, Bottom- India green)**. The **Middle** panel bears an **Ashoka Chakra** in **navy blue colour** with **24 equally spaced spokes**.
- Flag shall be **rectangular** in shape. The ratio of the length to the height (width) of the Flag shall be **3:2**.

The standard sizes of the National Flag shall be as follows:

Flag Size No.	Dimensions in mm
1	6300 X 4200
2	3600 X 2400
3	2700 X 1800
4	1800 X 1200
5	1350 X 900
6	900 X 600
7	450 X 300

8	225 X 150
9	150 X 100

- Therefore, **600 mm x 400 mm is not a standard size** of the National Flag of India.
- The National Flag **cannot be flown on any vehicle except those of the President, Vice President, Prime Minister, Governor and other dignitaries.**
- The flag should also **not be used to cover the sides, back, and top of any vehicle.**

### The Flag Code of India

#### Amendment 2021 and 2022

- The Flag Code of India, 2002 was amended by an Order dated December 30, 2021, and National Flag **made of polyester or machine made flag have also been allowed.**
- Now, the National Flag shall be made of **hand-spun, hand-woven or machine-made cotton/polyester/wool/silk/khadi bunting**, as per the amended flag code.
- As the central government launched a **Har Ghar Tiranga campaign** from August 13, 2022 the Ministry of Home Affairs amended the Flag Code of India 2002 to allow for the **National Flag to be flown even at night.** Earlier, the flag could be hoisted only between sunrise and sunset.
- According to **Section 2 of the Prevention of Insults to National Honour Act, 1971**, “whoever in any public place or in any other place within public view burns, mutilates, defaces, defiles, disfigures, destroys, tramples upon or otherwise brings into contempt the Indian National Flag shall be punished with imprisonment for a term which may extend to three years or with a fine, or with both”.



Analyzing the trends in previous years' UPSC Prelims questions from 2021 to 2023 provides valuable insights into the distribution of questions across syllabus topics, the varying levels of question difficulty, and the extent to which current affairs play a significant role in the examination. In Polity and Governance, previous year questions and its options are most often repeating than other subjects.

### **SUBJECT EMPHASIS:**

---

- Union executive and legislature – Parliament, election of executive
- Fundamental Rights, DPSP and Fundamental Duties
- Judiciary and significant case laws
- Key Terms
- Salient Features of Constitution and Preamble
- Government Schemes
- Important Articles in Constitution and Schedules
- Emergency related provisions
- Citizenship
- Constitutional, Statutory and Executive bodies

### **CURRENT AFFAIRS FOCUS:**

---

- Greater attention should be directed towards topics that have remained in the news for an extended period and are closely related to both the syllabus and the foundational aspects of Polity and Governance.
  - ✦ Recent significant judgements in news and relevant legal provisions
    - » Eg: Constitutional Bench
  - ✦ Concerns regarding marginalized communities
    - » Eg: Scheduled Areas, Article 335
  - ✦ Updates on legislative changes or new laws
    - » Eg: The Official Secrets Act
  - ✦ Key developments in the political landscape
    - » Eg: Presidential election



# SUMMARY

- ✦ National issues and recent surveys
  - » Eg: Public Health Care
- ✦ Noteworthy government initiatives highlighted in the news
  - » Eg: Anaemia Mukht Bharat Strategy

## TREND ANALYSIS:

---

- Certain topics are gaining relevance due to their current significance, and there is a possibility that these topics might be repeated in the forthcoming exams.
  - Examples:
    - » Parliament, Union Executive Eg: Attorney General of India
    - » Important Schedules - Special focus to 5th and 6th Schedule
    - » Definitions of fundamental terms in polity and it needs basic understanding Eg: State, Constitutional Government etc
    - » Fundamental rights and associated provisions
    - » Judiciary Eg: Appointment of Judges, related articles in News ( Eg: Article 142)
    - » Major Laws and its enforcement Eg: Prisons Act, Judicial custody etc

Prelims preparation acts as the initial gateway to our aspirations of a career in civil services. As the saying goes, the first step is often the most challenging. To reach our desired destination, it's crucial to make the right, and most importantly, smart choices. At **Fortune IAS Academy**, we aim to simplify this challenging exam stage through our test series program, leading you along the correct path to achieve your goals.