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Q.1) With regards to 5th Schedule of the Constitution, consider the following statements:

1. The Fifth Schedule of the Constitution contains provisions regarding administration of Scheduled Areas other than in Northeast India.
2. The specification of “Scheduled Areas” in relation to a State is by a notified order of the Governor, after consultation with the President.
3. The criteria for declaring an area as Scheduled Area is mentioned in the Constitution.

Which of the following statements is/are incorrect ?

- a) 1 and 2 only
- b) 2 and 3 only
- c) 1, 2 and 3
- d) None of the above

Q.1) Solution: (b)

Basic Info:

Declaration of 5th Schedule:

The Fifth Schedule under Article 244(1) of the Constitution contains provisions regarding administration of Scheduled Areas other than in Northeast India.

As per the Constitutional provision under Article 244 (1) of the Constitution of India, the ‘Scheduled Areas’ are defined as ‘such areas as the President may by order declare to be Scheduled Areas’ – as per paragraph 6(1) of the Fifth Schedule of the Constitution of India.

The specification of “Scheduled Areas” in relation to a State is by a notified order of the President, after consultation with the Governor of that State.

The criteria followed for declaring an area as Scheduled Area are

- Preponderance of tribal population
- Compactness and reasonable size of the area
- Under-developed nature of the area
- Marked disparity in economic standard of the people.

These criteria are not spelt out in the Constitution of India but have become well established.

Q.2) Consider the following statements regarding Sixth Schedule of the Constitution:

1. The provisions for Sixth schedule are provided under Article 244 and Article 275 of the Constitution.
2. It provides for the administration of tribal areas in Assam, Meghalaya, Tripura and Manipur.
3. It seeks to safeguard the rights of the tribal population through the formation of Autonomous District Councils.

Which of the following statements is/are correct ?

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

Q.2) Solution: (d)**Basic Info:**

About Sixth Schedule of the Constitution:

It provides for the administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram to safeguard the rights of the tribal population in these states.

This special provision is provided under Article 244(2) and Article 275(1) of the Constitution.

It seeks to safeguard the rights of the tribal population through the formation of Autonomous District Councils (ADC).

Q.3) Consider the following statements regarding Autonomous District Councils (ADC):

1. They have powers to levy taxes, fees and tolls on buildings, land, animals, vehicles in their jurisdiction.
2. Under any circumstances, the Acts of Parliament or the State Legislature do not apply to autonomous districts as they are given full autonomy.
3. The Governor is vested with powers regarding the councils.

Which of the following statements is/are correct ?

- a) 1 and 2 only

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

Q.3) Solution: (c)**Basic Info:**

ADCs are bodies representing a district to which the Constitution has given varying degrees of autonomy within the state legislature.

Features:

- Provisions have been made for the creation of the District Councils and regional councils for the exercise of certain legislative and judicial powers. However, their jurisdiction is subject to the jurisdiction of the concerned High Court.
- They have powers to form courts to hear cases where both parties are members of Scheduled Tribes and the maximum sentence is less than 5 years in prison.
- **They also have powers to levy taxes, fees and tolls on buildings, land, animals, vehicles, boats,** entry of goods into the area, roads, ferries, bridges, employment and income and general taxes for the maintenance of schools and roads.

The Acts of Parliament or the State Legislature do not apply to autonomous districts and autonomous regions or **apply with specified modifications and exceptions.**

The Governor is vested with powers regarding the councils. He/she, by public notification, may:

- Include or exclude any new area.
- Create a new autonomous district.
- Define the boundaries of any autonomous district.
- Increase or decrease the area of an existing autonomous district.
- Alter the name of any autonomous district

Q.4) Which of the following States are under the provisions of Fifth schedule:

1. Andhra Pradesh
2. Rajasthan
3. Gujarat

4. Himachal Pradesh
5. West Bengal

Select from the codes given below:

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

Q.4) Solution: (c)

Basic Info:

There are 10 states having 5th scheduled areas:

- Andhra Pradesh
- Chhattisgarh
- Gujarat
- Himachal Pradesh
- Jharkhand
- Madhya Pradesh
- Maharashtra
- Odisha
- Rajasthan
- Telangana

Q.5) Consider the following statements regarding Tribes Advisory Council:

1. Tribes Advisory Councils (TAC) have been constituted in all the ten states having Scheduled Areas.
2. These are Constitutional bodies established under 245 of the Constitution.
3. Tribes Advisory Council shall consist of not more than 30 members.

Which of the following statements is/are correct ?

- a) 1 only
- b) 2 only
- c) 3 only
- d) None of the above

Q.5) Solution: (a)**Basic Info:**

According to the provisions, under **Article 244(1)** of Fifth Schedule of the Constitution of India, the Tribes Advisory Councils (TAC) shall be established in each State having Scheduled Areas.

If the President directs, they also can be established in any State having Scheduled Tribes but not Scheduled Areas therein.

Tribes Advisory Council shall consist of not more than 20 members.

- Three-fourths shall be representatives of Scheduled Tribes in State Legislative Assembly provided that if number of representatives of STs in State Assembly is less than number of seats in TAC to be filled by such representatives, remaining seats shall be filled by other members of those tribes.

Tribes Advisory Councils (TAC) have been constituted in all the ten states having Scheduled Areas.

Further, the States of West Bengal, Tamil Nadu and Uttarakhand not having any notified Scheduled Area also have Tribes Advisory Council constituted therein. Accordingly, there is no State (mandated to establish TAC), which have not constituted TAC.

It shall be the duty of the Tribes Advisory Council to advise on such matters pertaining to the welfare and advancement of the Scheduled Tribes in the State as may be referred to them by the Governor.

Q.6) Consider the following pairs regarding Inter-State River Water Disputes in India:

River :: States

1. Ravi and Beas: Punjab, Haryana, Rajasthan
2. Narmada: Maharashtra, Andhra Pradesh, Karnataka, Telangana
3. Krishna: Madhya Pradesh, Gujarat, Maharashtra, Rajasthan
4. Cauvery: Kerala, Karnataka, Tamil Nadu and Puducherry

Which of the following pairs is/are correctly matched ?

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

d) 1 and 4 only

Q.6) Solution: (d)

Basic Info:

Inter-State River Water Disputes Act, 1956 provides for setting up of tribunals for adjudication of inter-state river water disputes.

Some of the Major Inter-State River Disputes:

- Ravi and Beas: Punjab, Haryana, Rajasthan
- Narmada: Madhya Pradesh, Gujarat, Maharashtra, Rajasthan
- Krishna: Maharashtra, Andhra Pradesh, Karnataka, Telangana
- Cauvery: Kerala, Karnataka, Tamil Nadu and Puducherry
- Periyar: Tamil Nadu, Kerala
- Mahadayi: Goa, Maharashtra, Karnataka
- Mahanadi: Chhattisgarh, Odisha
- Godavari: Maharashtra, Andhra Pradesh, Karnataka, Madhya Pradesh, Odisha
- Vamsadhara: Andhra Pradesh & Odisha

Q.7) Consider the following statements regarding Zonal Councils in India:

1. North-Eastern Council (NEC) was established under States Reorganisation Act of 1956.
2. The Minister of Tribal Affairs is the ex-officio Chairman of NEC.
3. The recommendations made by these bodies are advisory in nature.

Which of the following statements is/are correct ?

- a) 3 only
- b) 2 and 3 only
- c) 1 and 3 only
- d) None of the above

Q.7) Solution: (a)

Basic Info:

Zonal Councils

The Zonal Councils are the statutory (and not constitutional) bodies. They are established by an Act of the Parliament, that is, States Reorganisation Act of 1956.

The act divided the country into five zones (Northern, Central, Eastern, Western and Southern) and provided a zonal council for each zone.

Each zonal council consists of the following members:

- Minister of Central government.
- Chief Ministers of all the States in the zone.
- Two other ministers from each state in the zone.
- Administrator of each union territory in the zone.

The Home Minister of Central government is the common Chairman of the five zonal councils

In addition to the above mentioned Zonal Councils, a North-Eastern Council was created by a separate Act of Parliament, the North-Eastern Council Act of 1971.

- Its members include Assam, Manipur, Mizoram, Arunachal Pradesh, Nagaland, Meghalaya, Tripura and Sikkim.
- The Council comprises of Governors and Chief Ministers of constituent States and three members to be nominated by the
- **The Union Home Minister is ex-officio Chairman.**

These are advisory bodies that make recommendations with regard to any matter of common interest in the field of economic and social planning between the Centre and States border disputes, linguistic minorities, inter-State transport or matters connected with the reorganisation of States.

Q.8) With reference to India, which of the following bodies releases the 'Health Index' ?

- a) Ministry of Housing and Urban Affairs
- b) Ministry of Health and Family Welfare
- c) Niti Aayog
- d) Ministry of Women and Child Development.

Q.8) Solution: (c)

Basic Info:

NITI Aayog releases the State Health Index that provides incremental performance in health outcomes and status. The index is developed by: NITI Aayog, World Bank, and Ministry of Health and Family Welfare (MoHFW).

The State Health Index is annual tool to assess the performance of states and UTs. It is a weighted composite index based on 24 indicators grouped under the domains of 'Health Outcomes', 'Governance and Information', and 'Key Inputs/Processes'. Each domain has been assigned weights based on its importance with higher score for outcome indicators.

To ensure comparison among similar entities, the ranking is categorized as 'Larger States', 'Smaller States' and 'Union Territories'.

Among the 'Larger States', in terms of annual incremental performance, Uttar Pradesh, Assam and Telangana are the top three ranking states.

Among 'Smaller States', Mizoram and Meghalaya registered the maximum annual incremental progress.

Among UTs, Delhi, followed by Jammu and Kashmir, showed the best incremental performance.

On overall ranking based on the composite index score in 2019–20, the top-ranking states were Kerala and Tamil Nadu among the 'Larger States', Mizoram and Tripura among the 'Smaller States', and DH&DD and Chandigarh among the UTs.

Q.9) Consider the following statements regarding Co-operative federalism in India:

1. In Cooperative federalism the Centre and states share a horizontal relationship, where they cooperate in the larger public interest.
2. Rajamannar Committee is related to center-state relation and Seventh schedule is an Instrument to ensure cooperation between Centre and States.

Which of the following statements is/are correct ?

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

Q.9) Solution: (c)

Basic Info:

In Cooperative federalism the Centre and states share a horizontal relationship, where they “cooperate” in the larger public interest.

It is an important tool to enable states participation in the formulation and implementation of national policies.

Union and the states are constitutionally obliged to cooperate with each other on the matters specified in Schedule VII of the constitution.

Instruments to ensure co-operation between centre and states in India:

Seventh schedule: It clearly demarcates central, state and concurrent list based on the principle of subsidiary. Residuary power has been kept with centre.

Integrated Judiciary, All India Services: An integrated judicial system has been established to enforce both state as well as central laws. All India services provide another uniting factor in cooperative federalism.

Other mechanisms: National Development Council, NITI (National Initiative for Transforming India) Aayog, Finance commission under article 280 of the constitution various committees like Rajamannar Committee, Sarkaria commission, etc.

Rajamannar Committee is related to center-state relation and Seventh schedule is an Instruments to ensure cooperation between centre and states.

Q.10) Consider the following statements regarding Inter State Council:

1. The Parliament of India can establish an Inter State council under article 263 of the Constitution.
2. Union Home Minister will be the chairman of Inter State Council.

Which of the following statements is/are correct ?

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

Q.10) Solution: (d)

Basic Info:

Art 263 contemplates the establishment of an inter-state council to effect coordination between the states and between centre and states

The President can establish such a council at any time it appears to him that public interest would be served by its establishment. He is also authorized to define the nature of duties to be performed by such a council and its organization and procedure

Composition of the council:

- **PM as chairman**
- CM of all the states
- CM of UTS having legislative assemblies
- Administrators of UTs not having legislative assemblies
- Governors of states under President's rule
- Six Central cabinet ministers, including the home minister, to be nominated by the PM
- Five ministers of the cabinet rank are permanent invitees of the council

The council meeting are supposed to be held thrice a year and its decisions on all questions are decided by consensus

A standing committee of the council was setup in 1996 for continuous consultation and processing of matters for the consideration of the council. The chairman of this standing committee is Union Home Minister.

Q.11) Deen Dayal Upadhyay Gram Jyoti scheme is mainly related to ?

- a) Strengthening & Modernization of Pest Management Approach in India
- b) Provide electrification to all villages
- c) Central Sector Scheme for Promoting Pharmacovigilance of Ayush Drugs
- d) Production Linked Incentive (PLI) Scheme for Promoting Telecom & Networking Products

Q.11) Solution: (b)

Basic Info:

The Ministry of Power, Government of India has launched Deen Dayal Upadhyaya Gram Jyoti Yojana for rural areas with the following objectives:

- To provide electrification to all villages

- Feeder separation to ensure sufficient power to farmers and regular supply to other consumers
- Improvement of Sub-transmission and distribution network to improve the quality and reliability of the supply
- Metering to reduce the losses

Q.12) MyGov platform is designed, developed and hosted by which of the following agencies in India ?

- a) Niti Aayog
- b) National Informatics Centre
- c) Department of Scientific and Industrial Research
- d) Technology Information, Forecasting and Assessment Council (TIFAC)

Q.12) Solution: (b)

Basic Info:

MyGov has been established as Government of India's Citizen Engagement Platform which collaborates with multiple Government bodies/ Ministries to engage with citizens for policy formulation and seeks the opinion of people on issues/ topics of public interest and welfare.

This platform is designed, developed and hosted by National Informatics Centre, Ministry of Electronics & Information Technology, Government of India.

Q.13) Consider the following statements regarding Atal Mission for Rejuvenation and Urban Transformation 2.0 (AMRUT 2.0):

1. The Ministry of Housing and Urban Affairs (MoHUA) is the nodal ministry for the scheme.
2. It will provide 100% coverage of sewerage and septage in 100 AMRUT cities.
3. Pey Jal Survekshan will be conducted in cities to ascertain equitable distribution of water, reuse of wastewater and mapping of water bodies.

Which of the following statements is/are correct ?

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

d) None of the above

Q.13) Solution: (b)

Basic Info:

AMRUT mission was launched in June 2015 to ensure that every household has access to a tap with the assured supply of water and a sewerage connection.

AMRUT 2.0 aims to provide 100% coverage of water supply to all households in around 4,700 ULBs (Urban Local Bodies).

The Ministry of Housing and Urban Affairs (MoHUA) is the nodal ministry for the scheme.

It also seeks to promote Atmanirbhar Bharat through encouraging Startups and Entrepreneurs.

Objectives:

- It will build upon the progress of AMRUT to address water needs, rejuvenate water bodies, better manage aquifers, reuse treated wastewater, thereby promoting a circular economy of water.
- **It will provide 100% coverage of sewerage and septage in 500 AMRUT cities.**
- Recycling and reuse of treated wastewater is expected to cater to 20% of total water needs of the cities and 40% of industrial demand. Under the Mission, fresh water bodies will be protected from getting polluted to make natural resources sustainable.
- **Pey Jal Survekshan will be conducted in cities to ascertain equitable distribution of water, reuse of wastewater and mapping of water bodies.**

Q.14) With reference to National Heritage City Development and Augmentation Yojana, consider the following statements:

1. This scheme aims to preserve and revitalise heritage cities of India to reflect their unique character.
2. It is a central sector scheme.
3. Some cities included in this scheme are Velankanni, Warangal, Agra, Amritsar amongst others.

Which of the following statements is/are correct ?

- a) 1 and 3 only
- b) 2 and 3 only

- c) 1 and 2 only
- d) None of the above

Q.14) Solution: (c)**Basic Info:**

HRIDAY scheme called National Heritage City Development and Augmentation Yojana was launched by the Ministry of Housing and Urban Affairs on 21st January 2015

This scheme aimed to preserve and revitalise heritage cities of India to reflect their unique character.

It also encourages the development of an aesthetically appealing, accessible, informative and secured environment in heritage cities.

Below are the cities that are listed under the HRIDAY Scheme:

- Ajmer
- Amravati
- Badami
- Gaya
- Mathura
- Puri
- Varanasi
- Velankanni
- Warangal
- Dwarka
- Kanchipuram
- Amritsar

Agra is not included.

HRIDAY is a central sector scheme, where 100% funding will be provided by Government of India.

Q.15) Consider the following statements regarding Saansad Adarsh Gram Yojana:

1. Nominated Members of Parliament are not eligible to choose a Gram Panchayat under this scheme.
2. The scheme was launched in 2014 on the birth anniversary of Jai Prakash Narayan.

Which of the following statements is/are correct ?

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

Q.15) Solution: (b)

Basic Info:

Saansad Adarsh Gram Yojana:

The scheme was launched by the Prime Minister of India on 11th October, 2014 on the birth anniversary of Jai Prakash Narayan.

Under the Yojana, Members of Parliament (MPs) are responsible for developing the socio-economic and physical infrastructure of three villages each by 2019, and a total of eight villages each by 2024. The first Adarsh Gram (Model Village) was to be developed by 2016, and two more by 2019.

From 2019 to 2024, five more Adarsh Grams must be developed by each MP, one each year. This implies that a total of 6,433 Adarsh Grams, of the 2,65,000 gram panchayats, will be created by 2024.

The MP will identify one Gram Panchayat to be taken up immediately, and two others to be taken up a little later.

Lok Sabha MP has to choose a Gram Panchayat from within his/her constituency and Rajya Sabha MP a Gram Panchayat from the rural area of a district of his/her choice in the State from which he/she is elected.

Nominated MPs may choose a Gram Panchayat from the rural area of any district in the country. In the case of urban constituencies, (where there are no Gram Panchayats), the MP will identify a Gram Panchayat from a nearby rural constituency.

Q.16) Stamp duties on bills of exchange, cheques, and promissory notes falls under which of the following category?

- a) Taxes Levied by the Centre but Collected and Appropriated by the States

- b) Service Tax Levied by the Centre but Collected and Appropriated by the Centre and the States
- c) Taxes Levied and Collected by the Centre but Assigned to the States
- d) Taxes Levied and Collected by the Centre but Distributed between the Centre and the States

Q.16) Solution: (a)**Basic Info:****Distribution of Tax Revenues:**

Taxes Levied by the Centre but Collected and Appropriated by the States (Article 268): This category includes the following taxes and duties:

- (i) Stamp duties on bills of exchange, cheques, promissory notes, policies of insurance, transfer of shares and others.
- (ii) Excise duties on medicinal and toilet preparations containing alcohol and narcotics.

The proceeds of these duties levied within any state do not form a part of the Consolidated Fund of India, but are assigned to that state.

Q.17) Consider the following statements regarding National Institute of Labour Economics Research and Development (NILERD) in India:

1. It is a Central Autonomous Organization attached to NITI Aayog.
2. It's campus is located in Narela, Delhi.

Which of the following statements is/are correct ?

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

Q.17) Solution: (c)**Basic Info:**

The Government of India established the National Institute of Labour Economics Research and Development (NILERD) in 1962. It is a Central Autonomous Organization attached to NITI Aayog, Ministry of Planning.

The primary objectives of this Institution include research and data collection in relation to all major aspects of development, and education and training in all aspects of Human Capital Planning, Human Resource Development and Monitoring and Evaluation.

The Institute moved to its own campus at Narela in 2002. Narela is a developing urban and institutional hub declared as a special economic zone for knowledge in the National Capital Region

Q.18) Consider the following statements regarding Finance Commission:

1. It is a Constitutional body appointed by the President of India under article 281.
2. The Fifteenth Finance Commission has recommended the share of states in the central taxes for the 2021-26 period to be 42%.

Which of the following statements is/are correct ?

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

Q.18) Solution: (d)

Basic Info:

Article 280 provides for a Finance Commission as a quasi-judicial body. It is constituted by the President every fifth year or even earlier. It is required to make recommendations to the President on the following matters:

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

- Any other matter referred to it by the President in the interests of sound finance.

In November 2017, the President of India appointed the 15th Finance Commission, under the chairmanship of NK Singh. It will make suggestions for a five-year period, from 2021-22 to 2025-26.

Recommendation for the Share of states in central taxes: The share of states in the central taxes for the 2021-26 period is recommended **to be 41%**, same as that for 2020-21.

This is less than the 42% share recommended by the 14th Finance Commission for 2015-20 period. The adjustment of 1% is to provide for the newly formed union territories of Jammu and Kashmir, and Ladakh from the resources of the centre.

Q.19) The Inter State comity in India is checked through which of the following ?

1. Adjudication of inter-state water disputes.
2. Coordination through inter-state councils.
3. Freedom of inter-state trade, commerce and intercourse.
4. Mutual recognition of public acts, records and judicial proceedings.

Select the correct answer from the codes given below:

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

Q.19) Solution: (d)

Basic Info:

The successful functioning of the Indian federal system depends not only on the harmonious relations and close cooperation between the Centre and the states but also between the states inter se.

Hence, the Constitution makes the following provisions with regard to interstate comity:

1. Adjudication of inter-state water disputes.
2. Coordination through inter-state councils.

3. Mutual recognition of public acts, records and judicial proceedings.
4. Freedom of inter-state trade, commerce and intercourse.

Q.20) Consider the following statements regarding Residuary powers in India:

1. Parliament has the sole authority to make laws under this list.
2. The idea of residuary powers has been taken adopted from the Constitution of Australia.

Which of the following statements is/are correct ?

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

Q.20) Solution: (a)

Basic Info:

Subjects that do not fall in either the Union, State or the Concurrent List are known as the residuary subjects.

Article 248 vests the residuary powers in the parliament. **It says that parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or the State List.**

The idea of Residuary Powers has been taken from the Canadian Constitution

Q.21) Consider the following statements regarding National Emergency in India:

1. Under Article 352, the President can declare a national emergency on the ground of internal disturbance.
2. The 44th Amendment Act enabled the president to limit the operation of a National Emergency to a specified part of India.
3. Declaration of a National Emergency is immune from judicial review.

Which of the following statements is/are correct ?

- a) 1 and 2 only

- b) 2 and 3 only
- c) 1, 2 and 3
- d) None of the above

Q.21) Solution: (d)**Basic Info:****National Emergency:**

Under Article 352, the President can declare a national emergency when the security of India or a part of it is threatened by war or external aggression or armed rebellion.

The 44th Amendment Act of 1978 substituted the words 'armed rebellion' for 'internal disturbance'. **It is no longer possible to declare a National Emergency on the ground of 'internal disturbance'** as was done in 1975 by the Congress government headed by Indira Gandhi.

The President can also issue different proclamations on grounds of war, external aggression, armed rebellion, or imminent danger thereof, whether or not there is a proclamation already issued by him and such proclamation is in operation. This provision was added by the 38th Amendment Act of 1975.

A proclamation of national emergency may be applicable to the entire country or only a part of it. **The 42nd Amendment Act of 1976 enabled the president to limit the operation of a National Emergency to a specified part of India.**

The President, however, can proclaim a national emergency only after receiving a written recommendation from the cabinet. This means that the emergency can be declared only on the concurrence of the cabinet and not merely on the advice of the prime minister.

The 38th Amendment Act of 1975 made the declaration of a National Emergency immune from the judicial review. But, this provision was subsequently deleted by the 44th Amendment Act of 1978.

In the *Minerva Mills* case, (1980), the Supreme Court held that the proclamation of a national emergency can be challenged in a court on the ground of malafide or that the declaration was based on wholly extraneous and irrelevant facts or is absurd or perverse.

Q.22) Consider the following statements regarding Parliamentary approval on National Emergency:

1. The proclamation of Emergency must be approved by a simple majority by both the Houses of Parliament within one month from the date of its issue.
2. Once approved by the Parliament, the emergency could remain in operation as long as the Cabinet desired.

Which of the following statements is/are incorrect ?

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

Q.22) Solution: (c)

Basic Info:

The proclamation of Emergency must be approved by both the Houses of Parliament within one month from the date of its issue. This provision was added by the 44th Amendment Act of 1978.

If approved by both the Houses of Parliament, the emergency continues for six months, and can be extended to an indefinite period with an approval of the Parliament for every six months. This provision for periodical parliamentary approval was also added by the 44th Amendment Act of 1978.

Before that, the emergency, once approved by the Parliament, could remain in operation as long as the Executive (cabinet) desired.

Every resolution approving the proclamation of emergency or its continuance must be passed by either House of Parliament by a special majority. This special majority provision was introduced by the 44th Amendment Act of 1978.

Q.23) Consider the following statements:

1. A resolution of disapproval is required to be passed by the Lok Sabha only with a simple majority.
2. A resolution approving the continuation of a proclamation needs to be passed by the both Houses of Parliament by a special majority.

Which of the following statements is/are correct ?

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

Q.23) Solution: (c)

Basic Info:

A proclamation of emergency may be revoked by the President at any time by a subsequent proclamation. Such a proclamation does not require the parliamentary approval.

A resolution of disapproval is different from a resolution approving the continuation of a proclamation in the following aspects:

- A resolution of disapproval is required to be passed by the Lok Sabha only with a simple majority.
- A resolution approving the continuation of a proclamation needs to be passed by the both Houses of Parliament by a special majority.

Q.24) With reference to effect of National Emergency on certain provisions, consider the following statements:

1. The laws made by Parliament on the state subjects during a National Emergency continue to operate after the emergency has been revoked.
2. Article 358 deals with the suspension of the Fundamental Rights guaranteed by Article 19, while Article 359 deals with the suspension of other Fundamental Rights.
3. Article 358 extends to the entire country whereas Article 359 may extend to the entire country or a part of it.

Which of the following statements is/are correct ?

- a) 1 and 2 only
- b) 3 only
- c) 2 and 3 only
- d) None of the above

Q.24) Solution: (b)

Basic Info:

During a national emergency, the Parliament becomes empowered to make laws on any subject mentioned in the State List.

The laws made by Parliament on the state subjects during a National Emergency become inoperative six months after the emergency has ceased to operate.

While a proclamation of national emergency is in operation, the President can issue ordinances on the state subjects also, if the Parliament is not in session.

Article 358 deals with the suspension of the Fundamental Rights guaranteed by Article 19, while Article 359 deals with the suspension of other Fundamental Rights (except those guaranteed by Articles 20 and 21).

According to Article 358, when a proclamation of national emergency is made, the six Fundamental Rights under Article 19 are automatically suspended. On the other hand, Article 359 does not automatically suspend any Fundamental Right. It only empowers the president to suspend the enforcement of the specified Fundamental Rights.

Article 358 extends to the entire country whereas Article 359 may extend to the entire country or a part of it.

Q.25) Consider the following statements with reference to President's rule:

1. Every resolution approving the proclamation of President's Rule or its continuation can be passed by either House of Parliament only by a simple majority.
2. It can be extended for a maximum period of three years with the approval of the Parliament, every six months.
3. Under article 356 the Union Territory of Jammu and Kashmir has been under President's Rule since 2019.

Which of the following statements is/are correct ?

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

Q.25) Solution: (a)

Basic Info:

A proclamation imposing President's Rule must be approved by both the Houses of Parliament within two months from the date of its issue.

If approved by both the Houses of Parliament, the President's Rule continues for six months. It can be extended for a maximum period of three years with the approval of the Parliament, every six months.

Every resolution approving the proclamation of President's Rule or its continuation can be passed by either House of Parliament only by a simple majority, that is, a majority of the members of that House present and voting.

UT of Jammu and Kashmir has been under President's Rule since 2019. **It was imposed under section 73 of Jammu and Kashmir Reorganisation Act, 2019 as Article 356 does not apply to Union Territories.**

Q.26) The imposition of President's Rule in a state would be proper in which of the following situations ?

1. Where a constitutional direction of the Central government is disregarded by the state government.
2. Where after general elections to the assembly, no party secures a majority.
3. Internal disturbances not amounting to internal subversion.
4. Maladministration in the state or allegations of corruption against the ministry.

Select the correct answer from the codes given below:

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

Q.26) Solution: (d)

Basic Info:

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

1. **Where after general elections to the assembly, no party secures a majority, that is, 'Hung Assembly'.**
2. Where the party having a majority in the assembly declines to form a ministry and the governor cannot find a coalition ministry commanding a majority in the assembly.

3. Where a ministry resigns after its defeat in the assembly and no other party is willing or able to form a ministry commanding a majority in the assembly.

4. Where a constitutional direction of the Central government is disregarded by the state government.

5. Internal subversion where, for example, a government is deliberately acting against the Constitution and the law or is fomenting a violent revolt.

6. Physical breakdown where the government wilfully refuses to discharge its constitutional obligations endangering the security of the state.

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

1. Where a ministry resigns or is dismissed on losing majority support in the assembly and the governor recommends imposition of President's Rule without probing the possibility of forming an alternative ministry.

2. Where the governor makes his own assessment of the support of a ministry in the assembly and recommends imposition of President's Rule without allowing the ministry to prove its majority on the floor of the Assembly.

3. Where the ruling party enjoying majority support in the assembly has suffered a massive defeat in the general elections to the Lok Sabha such as in 1977 and 1980.

4. Internal disturbances not amounting to internal subversion or physical breakdown.

5. Maladministration in the state or allegations of corruption against the ministry or stringent financial exigencies of the state.

6. Where the state government is not given prior warning to rectify itself except in case of extreme urgency leading to disastrous consequences.

7. Where the power is used to sort out intra-party problems of the ruling party, or for a purpose extraneous or irrelevant to the one for which it has been conferred by the Constitution.

Q.27) Consider the following statements regarding Financial Emergency in India:

1. Under article 360, the President can proclaim a state of financial emergency in any part of the territory.
2. According to 42nd Amendment Act the satisfaction of the president is not beyond judicial review.
3. The maximum period prescribed for its operation is two years.
4. A proclamation of Financial Emergency may be revoked by the president at anytime by a subsequent proclamation after parliamentary approval.

Which of the following statements is/ are correct ?

- a) 1 and 4 only

- b) 1 only
- c) 2 and 4 only
- d) 4 only

Q.27) Solution: (b)

Basic Info:

Financial Emergency:

Article 360 empowers the president to proclaim a Financial Emergency if he is satisfied that a situation has arisen due to which the financial stability or credit of India or any part of its territory is threatened.

According to 44th Amendment Act of 1978 the satisfaction of the president is not beyond judicial review.

There is no maximum period prescribed for its operation.

Repeated parliamentary approval is not required for its continuation. A resolution approving the proclamation of financial emergency can be passed by either House of Parliament only by a simple majority,

A proclamation of Financial Emergency may be revoked by the president at anytime by a subsequent proclamation. **Such a proclamation does not require the parliamentary approval.**

No Financial Emergency has been declared so far, though there was a financial crisis in 1991.

Q.28) Which of the following actions are not immune from judicial review in India?

1. President's rejection of a mercy petition
2. Speaker's decisions to classify a bill as a money bill.
3. Legislations added to the ninth schedule of the constitution
4. Presiding officer's decision to disqualify a member of the house under 10th schedule

Select the correct answer using the code given below:

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

Q.28) Solution: (b)**Basic Info:**

The Supreme Court has declared the power of judicial review as a basic feature of the Constitution or an element of the basic structure of the Constitution. Hence, the power of judicial review cannot be curtailed or excluded even by a constitutional amendment.

The Supreme Court in 2018 justified the passage of the Aadhaar Bill as a money bill in Parliament, but noted that the **decision of the Speaker to classify a bill as money bill is amenable to judicial review**, thus opening the gates for scrutiny of the Speaker's decision.

Decision of the Presiding Officer to disqualify a member under the 10th schedule of the constitution (**Anti-defection law**) **is subject to judicial review**. The law initially stated that the decision of the Presiding Officer is not subject to judicial review. This condition was struck down by the Supreme Court in 1992, thereby allowing appeals against the Presiding Officer's decision in the High Court and Supreme Court. However, it held that there may not be any judicial intervention until the Presiding Officer gives his order.

The Supreme Court in 2006 had held that the powers of the **President or the Governor under Articles 72 and 161 respectively** (relating to the pardoning powers), **are subject to judicial review**.

Article 31B along with the Ninth Schedule was added by the 1st Constitutional Amendment Act of 1951. However, in a significant judgement delivered in **I.R. Coelho case (2007)**, the Supreme Court ruled that **there could not be any blanket immunity from judicial review of laws included in the Ninth Schedule**.

Q.29) Which of the following can be considered as Primary functions of Legal Services Authorities, established under the National Legal Services Authority (NALSA) ?

1. Provide compensation to victims of crime
2. To organize Lok Adalats
3. To provide free legal services to the eligible persons
4. To organize legal awareness camps in the rural areas

Select the correct answer using the code given below:

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

d) 3 and 4 only

Q.29) Solution: (c)

Basic Info:

NALSA has been constituted under the Legal Services Authorities Act, 1987, to provide free legal services to weaker sections of society.

The aim is to ensure that opportunities for securing justice are not denied to any citizen by reasons of economic or other disabilities. 'Nyaya Deep' is the official newsletter of NALSA.

Legal Services Authorities, established under the National Legal Services Authority (NALSA) discharge the following main functions on regular basis:

- To provide free and competent legal services to the eligible persons.
- To organize Lok Adalats for amicable settlement of disputes.
- To organize legal awareness camps in the rural areas
- Promote settlements of disputes through Alternative Dispute Resolution (ADR) Mechanisms. Various kinds of ADR mechanisms are Arbitration, Conciliation, Judicial settlement including settlement through Lok Adalat, or Mediation.
- Provide compensation to victims of crime

Q.30) In which of the following cases, High Courts enjoy original jurisdiction in India?

1. Matters of marriage and divorce
2. Enforcement of fundamental rights of citizens
3. Disputes relating to the election of members of Parliament

Select the correct answer using the code given below:

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

Q.30) Solution: (d)

Basic Info:

Original jurisdiction means the power of a high court to hear disputes in the first instance, not by way of appeal. It extends to the following:

- (a) **Matters of admiralty, will, marriage, divorce, company laws and contempt of court.**
- (b) **Disputes relating to the election of members of Parliament and state legislatures.**
- (c) Regarding revenue matter or an act ordered or done in revenue collection.
- (d) **Enforcement of fundamental rights of citizens.**
- (e) Cases ordered to be transferred from a subordinate court involving the interpretation of the Constitution to its own file.
- (f) The four high courts (i.e., Calcutta, Bombay, Madras and Delhi High Courts) have original civil jurisdiction in cases of higher value

Q.31) The powers and jurisdiction of the Supreme Court's can be enlarged by which of the following ?

1. President order
2. Parliament
3. State Legislature
4. Special agreement of Centre and States

Select the correct answer using the code given below:

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

Q.31) Solution: (c)

Basic Info:

Enlargement of the jurisdiction of the Supreme Court under Article 138:

Parliament may enlarge the jurisdiction and power of Supreme Court. The Supreme Court shall have such further jurisdiction and powers with respect to any of the matters in the Union List **as Parliament may by law confer.**

Its jurisdiction and power with respect to other matters can be enlarged by special agreement between union and states.

State legislature and President does not have any powers in the Enlargement of the jurisdiction of the Supreme Court.

Q.32) With reference to the Writ jurisdiction of the Supreme Court and High Court, consider the following statements:

1. The writ jurisdiction of the High Court is narrower than that of the Supreme Court.
2. The territorial jurisdiction of the Supreme Court for the purpose of issuing writs is wider than that of a High Court.

Which of the following statements is/are correct ?

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

Q.32) Solution: (b)

Basic Info:

The writ jurisdiction of the Supreme Court differs from that of a High Court in three respects:

- i. The Supreme Court can issue writs **only for the enforcement of Fundamental Rights** whereas a High Court can issue writs **not only for the enforcement of Fundamental Rights but also for any other purpose**. The expression 'for any other purpose' refers to the enforcement of an ordinary legal right. Thus, the writ jurisdiction of the **Supreme Court, in this respect, is narrower than that of High Court**.
- ii. The Supreme Court can issue writs against a person or government **throughout the territory of India** whereas a high court can issue writs against a person residing or against a government or authority located **within its territorial jurisdiction only or outside its territorial jurisdiction only if the cause of action arises within its territorial jurisdiction**. Thus, the territorial jurisdiction of the **Supreme Court for the purpose of issuing writs is wider than that of a high court**.

iii. A remedy under Article 32 is in itself a Fundamental Right and hence, the Supreme Court may not refuse to exercise its writ jurisdiction. On the other hand, a remedy under Article 226 is discretionary and hence, a high court may refuse to exercise its writ jurisdiction.

Q.33) Consider the following statements with reference to the procedure for the removal of Supreme Court Judges:

1. A Judge of the Supreme Court is impeached after a resolution passed by a special majority of the Parliament.
2. The Judges Enquiry Act (1968) regulates the process of impeachment.

Which of the following statements is/are correct ?

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

Q.33) Solution: (b)

Basic Info:

Removal of Judges of Supreme Court

A judge of the Supreme Court can be removed from his Office by an order of the President.

The President can issue the removal order only after an address by Parliament has been presented to him in the same session for such removal.

The address of removal (and not the resolution) must be supported by a special majority of each House of Parliament (i.e., a majority of the total membership of that House and a majority of not less than two-thirds of the members of that House present and voting).

The grounds of removal are two—proved misbehavior or incapacity.

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

- A removal motion can be initiated in either house of the Parliament.
- A removal motion signed by 100 members (in the case of Lok Sabha) or 50 members (in the case of Rajya Sabha) is to be given to the Speaker/Chairman.

- The Speaker/Chairman may admit the motion or refuse to admit it. If it is admitted, then the Speaker/ Chairman is to constitute a three member committee to investigate into the charges.

Q.34) Consider the following statements regarding the Ad hoc judges of Supreme Court of India:

1. He can be appointed after consultation with the Chief Justice of the High Court concerned.
2. He shall have all the jurisdiction, powers and privileges of a Judge of the Supreme Court.
3. He is appointed by the Chief Justice of India when there is a lack of quorum of the permanent judges to hold or continue any session of the Supreme Court.

Which of the following statements is/are correct ?

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

Q.34) Solution: (d)

Basic Info:

Ad hoc Judge

When there is a lack of quorum of the permanent judges to hold or continue any session of the Supreme Court, the **Chief Justice of India can appoint a judge of a High Court as an ad hoc judge of the Supreme Court for a temporary period.**

He can do so only after consultation with the Chief Justice of the High Court concerned and with the previous consent of the President.

The judge so appointed should be qualified for appointment as a judge of the Supreme Court.

It is the duty of the judge so appointed to attend the sittings of the Supreme Court, in priority to other duties of his office. While so attending, he **enjoys all the jurisdiction, powers and privileges (and discharges the duties) of a judge of the Supreme Court.**

Q.35) The Independence and impartial functioning of the Supreme court is ensured through which of the following provisions ?

1. Mode of Appointment
2. Expenses Charged on Consolidated Fund
3. Contempt of Court
4. Security of Tenure

Select the correct answers from the codes given below:

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

Q.35) Solution: (c)

Basic Info:

The Constitution has made the following provisions to safeguard and ensure the independent and impartial functioning of the Supreme Court:

1. **Mode of Appointment:** The judges of the Supreme Court are appointed by the President (which means the cabinet) in consultation with the members of the judiciary itself (ie, judges of the Supreme Court and the high courts). This provision curtails the absolute discretion of the executive as well as ensures that the judicial appointments are not based on any political or practical considerations.
2. **Security of Tenure:** The judges of the Supreme Court are provided with the Security of Tenure. They can be removed from office by the President only in the manner and on the grounds mentioned in the Constitution. This means that they do not hold their office during the pleasure of the President, though they are appointed by him.
3. **Expenses Charged on Consolidated Fund:** The salaries, allowances and pensions of the judges and the staff as well as all the administrative expenses of the Supreme Court are charged on the Consolidated Fund of India. Thus, they are non-votable by the Parliament (though they can be discussed by it).
4. **Conduct of Judges cannot be Discussed:** The Constitution prohibits any discussion in Parliament or in a State Legislature with respect to the conduct of the judges of the Supreme Court in the discharge of their duties, except when an impeachment motion is under consideration of the Parliament.

5. Power to Punish for its Contempt: The Supreme Court can punish any person for its contempt. Thus, its actions and decisions cannot be criticized and opposed by any body. This power is vested in the Supreme Court to maintain its authority, dignity and honour.

Q.36) In which of the following matters Public Interest Litigation (PIL) can be filed in India?

1. Terrorism
2. Constructional hazards
3. Landlord-tenant matters
4. Service matters
5. Matters pertaining to pension and gratuity

Select the correct answers from the codes given below:

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

Q.36) Solution: (a)

Basic Info:

The concept of “Public Interest Litigation” has been borrowed from the American Jurisprudence.

It is the power given to the public by courts through Judicial activism. It can be filed only in the Supreme Court or the High Court.

The concept of PIL is suited to the Principles enshrined in Article 39 A of the Constitution of India to protect and deliver prompt Social Justice with the help of Law.

Areas where PIL can be filed: Pollution, Terrorism, Road safety, Constructional hazards etc.

The Supreme Court has issued a set of PIL guidelines according to which the following matters will not be allowed as PILs:

- Landlord-tenant matters
- Service matters
- Matters pertaining to pension and gratuity

- Complaints against Central and State government departments and Local Bodies except those relating to items 1 to 10 mentioned in the list of guidelines
- Admission to medical and other educational institutions
- Petitions for early hearing of cases pending in High Court or subordinate courts

Q.37) Consider the following statement regarding E-Courts Project:

1. It was conceptualized with a vision to transform the Indian Judiciary by ICT (Information and Communication Technology) enablement of Courts.
2. It is a pan-India Project, monitored and funded by the Department of Justice, for the District Courts across the country

Which of the following statements is/are correct ?

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

Q.37) Solution: (c)

Basic Info:

E-Courts Project: It was conceptualized with a vision to transform the Indian Judiciary by ICT (Information and Communication Technology) enablement of Courts.

It is a pan-India Project, monitored and funded by the Department of Justice, Ministry of Law and Justice, for the District Courts across the country.

Objectives of the Project:

- To provide efficient & time-bound citizen-centric services delivery.
- To develop, install & implement decision support systems in courts.
- To automate the processes to provide transparency and accessibility of information to its stakeholders.
- To enhance judicial productivity, both qualitatively & quantitatively, to make the justice delivery system affordable, accessible, cost-effective, predictable, reliable and transparent.

Q.38) With reference to Supreme Court and High Courts, what does the term Court of Record imply ?

1. The judgements, proceedings and acts of these Courts are recorded for perpetual memory and testimony.
2. These records are admitted to be of evidentiary value and can be questioned when produced before any court.

Which of the following statements is/are correct ?

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

Q.38) Solution: (a)

Basic Info:

As a Court of Record, the Supreme Court and High Courts have two powers:

(a) The judgements, proceedings and acts of the Supreme Court are recorded for perpetual memory and testimony. **These records are admitted to be of evidentiary value and cannot be questioned when produced before any court.** They are recognised as legal precedents and legal references.

(b) It has power to punish for contempt of court, either with simple imprisonment for a term up to six months or with fine up to `2,000 or with both.

In 1991, the Supreme Court has ruled that it has power to punish for contempt not only of itself but also of high courts, subordinate courts and tribunals functioning in the entire country.

Contempt of court may be civil or criminal. Civil contempt means wilful disobedience to any judgement, order, writ or other process of a court or wilful breach of an undertaking given to a court.

Q.39) Who appoints the Chief Justice and Judges of the High Courts ?

- a) Governor of that State
- b) Chief Minister of that State
- c) President

d) Parliament

Q.39) Solution: (c)

Basic Info:

The Chief Justice and Judges of the High Courts are to be appointed by the President under clause (1) of Article 217 of the Constitution

Q.40) The District and Sessions Judge in a State works directly under the control of which of the following authorities?

1. Governor
2. High Court
3. Supreme Court
4. State Legislature

Select the correct answer from the codes given below:

- a) 1 and 4 only
- b) 2 and 3 only
- c) 1, 2, 3 and 4
- d) None of the above

Q.40) Solution: (b)

Basic Info:

The District courts are subordinate courts that work under the authority of the High court and Supreme Court.

Immediate control is exerted by the HC, and final control by the SC. The High Courts are responsible for appointment, postings, transfers and general administration of the district courts.

The District courts are free from interference by the State or central executive.