

GUJARAT TECHNOLOGICAL UNIVERSITY

BE-3 SEMESTER – OLD PAPER – S22 TO S25 – QUESTION BANK ANSWER

Subject Name & Code:
Indian Constitution- 3130007

Chapter 1: Meaning of Constitution Law and Constitutionalism

1. Differentiate between Constitution and Constitutionalism. (05 Marks - S23)

- **Constitution:**
 - It is a **supreme legal document** that lays down the **framework, powers, and functions** of government institutions.
 - It defines the **relationship between the state and its citizens**.
 - It is a **written or unwritten set of rules**.
 - Example: The Constitution of India.
- **Constitutionalism:**
 - It is the **philosophy or principle** of limiting government power through a constitution.
 - It emphasizes **rule of law, separation of powers, and protection of individual rights**.
 - It ensures that the government acts according to the constitution and not arbitrarily.
 - It is a **doctrine**, not a document.

2. Differentiate between constitutional law and constitutionalism. (05 Marks - S24)

- **Constitutional Law:**
 - Refers to the **body of law derived from the constitution**.
 - It includes **statutes, judicial interpretations, and conventions**.
 - It is **enforceable in courts**.
- **Constitutionalism:**
 - Refers to the **theory or practice of limited government** under a constitution.
 - It is a **political concept**, not necessarily legally enforceable.
 - It focuses on **preventing tyranny and protecting liberties**.

3. Explain the importance of constitution and constitutionalism. (05 Marks - W22)

- **Importance of Constitution:**
 - Provides a **legal framework** for governance.
 - Defines **powers and responsibilities** of government organs.
 - Protects **fundamental rights** of citizens.
 - Ensures **stability and predictability** in administration.
- **Importance of Constitutionalism:**
 - Prevents **arbitrary exercise of power**.
 - Promotes **accountability and transparency**.
 - Upholds **democratic values and rule of law**.
 - Safeguards **individual freedoms against state excesses**.

4. Explain in detail the basic elements of Constitutionalism. (05 Marks - S25)

The basic elements of constitutionalism are:

- **Limited Government:** Government powers are restricted by law.
- **Rule of Law:** All individuals and institutions are subject to and accountable under the law.
- **Separation of Powers:** Division of powers among legislature, executive, and judiciary.
- **Fundamental Rights:** Guaranteed rights that protect individuals from state interference.
- **Judicial Review:** Power of courts to review and invalidate unconstitutional laws.
- **Democratic Governance:** Government based on the consent of the governed through free and fair elections.

5. Give a definition of constitutional law and discuss its importance. (05 Marks - W24)

- **Definition:** Constitutional law is the **body of law that defines the structure, powers, and functions of government institutions** and outlines the **relationship between the state and its citizens**.
- **Importance:**
 - Establishes the **framework of government**.
 - Protects **citizens' rights and liberties**.
 - Provides **mechanisms for resolving disputes** between state organs.
 - Ensures **legal certainty and continuity** in governance.

6. Mention the provisions and sources taken from other countries' constitutions in our Indian constitution. (05 Marks - S22)

The Indian Constitution borrowed features from several constitutions:

- **UK:** Parliamentary system, Rule of Law, Single Citizenship.
- **USA:** Fundamental Rights, Judicial Review, Impeachment of President.
- **Ireland:** Directive Principles of State Policy.
- **Canada:** Federation with a strong Centre, Residuary powers with Centre.
- **Australia:** Concurrent List, Freedom of Trade.
- **Germany:** Suspension of Fundamental Rights during Emergency.
- **South Africa:** Procedure for amendment of the Constitution.
- **Japan:** Procedure established by law.

Chapter 2: Historical Perspective of Constitution of India

1. Discuss the History of Indian Constitution / Constitutional Developments. (05 Marks - S23, W23)

The history of the Indian Constitution involves a series of constitutional developments under British rule and the subsequent framing by the Constituent Assembly:

- **Regulating Act of 1773:** First step towards centralised administration in India.
- **Charter Acts (1813, 1833, 1853):** Gradually increased Indian representation.
- **Government of India Act 1858:** Transferred power from East India Company to the British Crown.
- **Indian Councils Acts (1861, 1892, 1909):** Introduced limited legislative representation.
- **Government of India Act 1919:** Introduced **Dyarchy** in provinces.
- **Government of India Act 1935:** Established a **federal structure**, provincial autonomy, and a bicameral legislature.
- **Indian Independence Act 1947:** Created two independent dominions, India and Pakistan.
- **Constituent Assembly (1946–1949):** Drafted the Constitution under the chairmanship of **Dr. B. R. Ambedkar**; adopted on **26 November 1949** and enforced on **26 January 1950**.

2. Discuss the history of drafting of Indian Constitution. (05 Marks - S25)

The drafting of the Indian Constitution was a meticulous process led by the **Constituent Assembly**:

- **Formation:** The Constituent Assembly was formed in **December 1946** based on the Cabinet Mission Plan.
- **Objectives Resolution:** Moved by **Jawaharlal Nehru** on 13 December 1946, outlining the aims of the Constitution.
- **Drafting Committee:** Appointed on **29 August 1947**, chaired by **Dr. B. R. Ambedkar**.
- **Process:** The committee studied various constitutions, debated extensively, and prepared a draft.
- **Adoption:** The draft was discussed, amended, and finally adopted on **26 November 1949**.
- **Enforcement:** The Constitution came into force on **26 January 1950**, celebrated as **Republic Day**.

3. Discuss: The Government of India Act, 1919 and The Government of India Act, 1935. (05 Marks - S23, S24)

Government of India Act, 1919 (Montagu-Chelmsford Reforms):

- Introduced **Dyarchy** in provinces, dividing subjects into **Reserved** (controlled by Governor) and **Transferred** (controlled by Indian ministers).
- Established a **bicameral legislature** at the centre.
- Expanded Indian participation in legislative councils.
- **Shortcomings:** Limited franchise, Governor's overriding powers.

Government of India Act, 1935:

- Provided for an **All-India Federation** (never implemented).
- Introduced **Provincial Autonomy** – provinces governed by elected ministries.
- Established a **bicameral federal legislature**.
- Created three lists: **Federal, Provincial, and Concurrent**.

- Served as a major blueprint for the **Indian Constitution**.

4. What were the main factors that influenced the development of the Indian Constitution? (05 Marks - W24)

Several factors influenced the development of the Indian Constitution:

- **Colonial Legacy:** Experiences under British rule, especially the **Government of India Act 1935**.
- **Freedom Struggle:** Demands for self-rule, civil liberties, and social justice.
- **International Influences:** Ideals from the **American, French, and Russian Revolutions**.
- **Thoughts of Leaders:** Vision of Gandhi, Nehru, Ambedkar, and others.
- **Social & Economic Context:** Need to address poverty, inequality, and diversity.
- **Constitutional Precedents:** Features borrowed from other democracies.
- **Recommendations of Committees:** Like the **Sapru Committee** and **Nehru Report**.

5. Explain in detail history, salient features, objectives and failures of 74th Amendment. (05 Marks - S22)

History:

- Based on recommendations of the **Nagarpalika Bill** and committees.
- Passed by Parliament in **1992**; came into force on **1 June 1993**.

Salient Features:

- Added **Part IX-A** (Articles 243P to 243ZG) to the Constitution.
- Provided constitutional status to **Urban Local Bodies** (Municipalities).
- Three types of municipalities: **Nagar Panchayat, Municipal Council, Municipal Corporation**.
- Mandatory **Wards Committees**, reservation for **SC/ST/Women**.
- Constitution of **State Election Commission** and **State Finance Commission**.

Objectives:

- Strengthen urban local governance.
- Ensure **democratic decentralization**.
- Improve **civic amenities and planning**.

Failures:

- **Inadequate devolution of powers and finances** by states.
- **Political interference** in functioning.
- **Lack of capacity** and resources in smaller municipalities.

Chapter 3: Salient Features and Characteristics of Constitution of India

1. List and explain salient features of Indian Constitution. (05 Marks - S22, W23, S24, S25)

The Indian Constitution has several salient features:

- **Longest Written Constitution:** Comprehensive document with 448 Articles, 25 Parts, and 12 Schedules.
- **Drawn from Various Sources:** Borrowed features from multiple constitutions.
- **Blend of Rigidity and Flexibility:** Some provisions are easy to amend (flexible), others require special majority (rigid).
- **Federal System with Unitary Bias:** Division of powers, but strong Centre.
- **Parliamentary Form of Government:** Executive responsible to the legislature.
- **Synthesis of Parliamentary Sovereignty & Judicial Supremacy:** Balance between Parliament and Judiciary.
- **Fundamental Rights:** Guaranteed to all citizens (Articles 12-35).
- **Directive Principles of State Policy:** Guidelines for governance (Articles 36-51).
- **Fundamental Duties:** Listed in Article 51A.
- **Single Citizenship:** Only Indian citizenship, no state citizenship.
- **Independent Judiciary:** Integrated hierarchical system with Supreme Court at apex.
- **Secular State:** No state religion; equal respect for all religions.

2. Identify and outline the primary attributes of the Indian Constitution. (05 Marks - S24)

Primary attributes of the Indian Constitution include:

- **Sovereign:** India is independent and not subject to external control.
- **Socialist:** Commitment to reduce inequalities and ensure social justice.
- **Secular:** Equal treatment of all religions by the state.
- **Democratic:** Government derives authority from the people.
- **Republic:** Head of state (President) is elected, not hereditary.
- **Justice:** Social, economic, and political.
- **Liberty:** Of thought, expression, belief, faith, and worship.
- **Equality:** Of status and opportunity.
- **Fraternity:** Assuring dignity of the individual and unity of the nation.

3. Discuss the distinctive characteristics of the Indian Constitution in relation to its flexibility and rigidity. (05 Marks - W24)

The Indian Constitution is a unique blend of **flexibility and rigidity**:

- **Flexible Provisions:** Can be amended by a **simple majority** of Parliament (e.g., creation of new states, citizenship provisions).
- **Rigid Provisions:** Require a **special majority** (two-thirds majority of members present and voting, and majority of total membership) and in some cases, **ratification by half the state legislatures** (e.g., changes in federal structure, Fundamental Rights).
- **Balanced Approach:** This combination allows the Constitution to **adapt to changing needs** while **protecting its basic structure** from frequent changes.

4. List Salient Features and characteristics of The Constitution of India. (05 Marks - W22)

(See answer to Question 1 above. Content is identical.)

Chapter 4: Fundamental Rights

1. List the seven fundamental rights. Explain Right to Equality, Right to Freedom, Right against Exploitation. (05 Marks - S23)

The seven Fundamental Rights originally enshrined in Part III (Articles 12-35) are:

1. Right to Equality (Articles 14–18)
2. Right to Freedom (Articles 19–22)
3. Right against Exploitation (Articles 23–24)
4. Right to Freedom of Religion (Articles 25–28)
5. Cultural and Educational Rights (Articles 29–30)
6. Right to Property (Article 31) – *Now a legal right under Article 300A*
7. Right to Constitutional Remedies (Article 32)

Explanation:

- **Right to Equality (Articles 14-18):**
 - **Article 14:** Equality before law and equal protection of laws.
 - **Article 15:** Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth.
 - **Article 16:** Equality of opportunity in public employment.
 - **Article 17:** Abolition of Untouchability.
 - **Article 18:** Abolition of titles (except military and academic).
- **Right to Freedom (Articles 19-22):**
 - **Article 19:** Guarantees six freedoms:
 1. Freedom of speech and expression.
 2. Freedom to assemble peaceably and without arms.
 3. Freedom to form associations or unions.
 4. Freedom to move freely throughout India.
 5. Freedom to reside and settle in any part of India.
 6. Freedom to practice any profession, or to carry on any occupation, trade or business.
 - **Articles 20-22:** Provide protection in respect of conviction for offences, protection of life and personal liberty, and protection against arrest and detention.
- **Right against Exploitation (Articles 23-24):**
 - **Article 23:** Prohibits trafficking in human beings, *begar* (forced labour) and other similar forms of forced labour.
 - **Article 24:** Prohibits employment of children below the age of 14 years in factories, mines, or other hazardous occupations.

2. Classify and explain Fundamental rights. (05 Marks - S22)

Fundamental Rights can be classified into six categories:

1. **Right to Equality (Articles 14-18):**
 - Ensures equal treatment before law and prohibits discrimination.
2. **Right to Freedom (Articles 19-22):**
 - Guarantees individual liberties such as speech, assembly, movement, etc., with reasonable restrictions.
3. **Right against Exploitation (Articles 23-24):**
 - Prohibits human trafficking, forced labour, and child labour.
4. **Right to Freedom of Religion (Articles 25-28):**
 - Ensures freedom of conscience and free profession, practice, and propagation

of religion.

5. **Cultural and Educational Rights (Articles 29-30):**

- Protects the interests of minorities by allowing them to conserve their culture and establish educational institutions.

6. **Right to Constitutional Remedies (Article 32):**

- The "heart and soul" of the Constitution; empowers citizens to move the Supreme Court for enforcement of Fundamental Rights through writs.

3. Explain Article 19 – fundamental right to retain freedom / Discuss in detail Right to Freedom under article 19. (05 Marks - S23, S25)

Article 19 guarantees six freedoms to all citizens:

1. **Freedom of Speech and Expression (19(1)(a)):** Allows citizens to express opinions freely. *Reasonable Restrictions:* Sovereignty & integrity of India, security of the state, friendly relations with foreign states, public order, decency or morality, contempt of court, defamation, incitement to offence.
2. **Freedom to Assemble Peaceably and Without Arms (19(1)(b)):** Right to hold public meetings. *Restrictions:* Sovereignty & integrity of India, public order.
3. **Freedom to Form Associations or Unions (19(1)(c)):** Right to form clubs, societies, trade unions. *Restrictions:* Sovereignty & integrity of India, public order, morality.
4. **Freedom to Move Freely Throughout India (19(1)(d)):** Right to travel anywhere in the country. *Restrictions:* Interests of the general public, protection of Scheduled Tribes.
5. **Freedom to Reside and Settle in Any Part of India (19(1)(e)):** Right to choose place of residence. *Restrictions:* Same as above.
6. **Freedom to Practice Any Profession, or to Carry on Any Occupation, Trade or Business (19(1)(g)):** Right to choose one's livelihood. *Restrictions:* Prescribing professional/technical qualifications, state monopoly on any trade.

Importance: These freedoms are essential for the functioning of a **democratic society** and the development of the **individual's personality**.

4. Explain/Discuss Article 14 – fundamental right to equality. (05 Marks - S23, S25)

Article 14 states: "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."

- **Equality before Law:** Derived from the **British Constitution**. It means no person is above the law, and all are subject to the same ordinary law administered by ordinary courts.
- **Equal Protection of Laws:** Adopted from the **US Constitution**. It means the state shall treat all persons similarly situated alike. It allows for **reasonable classification** but prohibits **class legislation**.
- **Doctrine of Reasonable Classification:** The state can classify persons for legislative purposes if:
 1. The classification is based on an **intelligible differential**.
 2. The differential has a **rational nexus** with the object sought to be achieved by the law.
- **Significance:** Article 14 ensures **justice, fairness, and non-arbitrariness** in state action. It is the foundation of **Rule of Law** in India.

5. Explain Article-32 - Right to Constitutional Remedies. (05 Marks - S23)

Article 32 is called the "**heart and soul**" of the Constitution by Dr. B.R. Ambedkar.

- It grants the **Right to Constitutional Remedies** for the enforcement of Fundamental

Rights.

- **Power of Supreme Court:** The Supreme Court is empowered to issue **writs** (directions or orders) for the enforcement of any Fundamental Right.
- **Types of Writs:**
 1. **Habeas Corpus:** "To have the body." Used to secure release of a person unlawfully detained.
 2. **Mandamus:** "We command." Directs a public authority to perform its legal duty.
 3. **Prohibition:** Issued by a higher court to a lower court to prevent it from exceeding its jurisdiction.
 4. **Certiorari:** To quash the order of a lower court or tribunal passed in excess of jurisdiction.
 5. **Quo Warranto:** "By what authority?" Questions the legality of a person's claim to a public office.
- **Significance:** Article 32 makes Fundamental Rights **justiciable** and provides a **guaranteed remedy**.

6. List the Features of Fundamental Rights. (05 Marks - S23)

Salient features of Fundamental Rights:

- **Justiciable:** Enforceable by courts (Article 32).
- **Not Absolute:** Subject to reasonable restrictions.
- **Negative Obligations:** Mostly impose restrictions on the state.
- **Some are Available Only to Citizens:** e.g., Rights under Articles 15, 16, 19, 29, 30.
- **Universal Application:** Available to all persons within Indian territory (except enemy aliens).
- **Can be Suspended:** During a National Emergency (except Articles 20 & 21).
- **Protected from Arbitrary Amendment:** Form part of the **Basic Structure** of the Constitution.
- **Balance Between Individual & Society:** Rights are subject to public order, morality, and health.

7. What are basic rights? Describe their importance in the Indian Constitution. (05 Marks - W24)

- **Basic Rights:** Refer to **Fundamental Rights** enshrined in Part III of the Constitution. They are basic because they are essential for the **all-round development of the individual** and the **functioning of a democratic society**.
- **Importance:**
 1. **Protect Individual Liberty:** Safeguard citizens from arbitrary state action.
 2. **Foundation of Democracy:** Ensure participation, dissent, and political freedom.
 3. **Establish Rule of Law:** Ensure equality and justice.
 4. **Create a Just Society:** Aim to remove inequalities and injustices.
 5. **Unity & Integrity:** Promote fraternity and dignity.

8. Describe the idea of "Equality before the law" as outlined in Article 14. (05 Marks - W24)

(See explanation in Question 4 above. Content is identical for the first part.)

9. Discuss the reasonable restrictions imposed on the freedoms under Article 19. (05 Marks - W24)

- The six freedoms under **Article 19(1)** are not absolute.
- **Article 19(2) to 19(6)** empower the state to impose **reasonable restrictions** on these freedoms in the interest of:
 1. **Sovereignty and integrity of India**
 2. **Security of the state**
 3. **Friendly relations with foreign states**
 4. **Public order**
 5. **Decency or morality**
 6. **Contempt of court**
 7. **Defamation**
 8. **Incitement to an offence**
- **Test of Reasonableness:** Restrictions must be **proportionate** and have a **direct nexus** with the ground invoked.

10. Illustrate the features of fundamental rights guaranteed by The Constitution of India. (05 Marks - W22)

(See answer to Question 6 above. "Features" and "characteristics" are synonymous in this context.)

11. Identify the scope of the right to Life and personal liberty under article 21. (05 Marks - W22)

Article 21: "No person shall be deprived of his life or personal liberty except according to procedure established by law."

- **Scope:** Initially narrow (only procedural safeguard), now vastly expanded by judicial interpretation.
- **Expanded Meaning of "Life":** Not mere animal existence but a life with **dignity**. Includes:
 - Right to livelihood
 - Right to privacy
 - Right to health
 - Right to education (up to 14 years)
 - Right to clean environment
 - Right to speedy trial
 - Right against torture
- **"Procedure established by law":** Interpreted as **"due process of law"** (fair, just, and reasonable procedure) through judicial activism (Maneka Gandhi case).
- **Personal Liberty:** Includes freedom from arbitrary arrest and detention (Article 22 provides safeguards).

12. Explain the significance of the right to life as outlined in Article 21 of the Constitution. (05 Marks - S24)

Significance of Article 21:

- **Most Fundamental Right:** It is the **foundation** of all other rights.
- **Dynamic & Expansive:** Judiciary has expanded its scope to include various **unenumerated rights**.
- **Check on State Power:** Ensures no person is deprived of life/liberty arbitrarily.
- **Promotes Dignity:** Interprets "life" as a life with human dignity.
- **Basis for Social Justice:** Used to enforce rights to food, shelter, health, and education.
- **Heart of Due Process:** Introduced the concept of **substantive due process** in Indian

law.

13. Explain the fundamental right to freedom along with the reasonable restrictions laid on it. (05 Marks - W23)

(This combines the explanation of Article 19 freedoms and their restrictions. See answers to Questions 3 and 9 above.)

Fundamental Right to Freedom (Article 19): Guarantees six freedoms to citizens.

Reasonable Restrictions: The state can impose restrictions on these freedoms under clauses (2) to (6) of Article 19 on grounds such as sovereignty, security, public order, decency, morality, contempt of court, defamation, etc. The restrictions must be reasonable, i.e., proportionate and not arbitrary.

Chapter 5: Fundamental Duties and Its Legal Status

1. How many Fundamental duties are incorporated in Indian constitution? Enlist them. (05 Marks - S24, W22, W23)

- The **Fundamental Duties** are enshrined in **Article 51A** of the Constitution.
- Originally, there were **10 duties** (added by the 42nd Amendment, 1976).
- An **11th duty** was added by the **86th Constitutional Amendment Act, 2002**.
- **Total: 11 Fundamental Duties.**

List of 11 Fundamental Duties (Article 51A):

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

2. How many fundamental duties are incorporated in the Indian Constitution? Enlist them. (05 Marks - S25)

(Identical to Question 1 above. Enumerate all 11 duties.)

3. If you are to take Pledge to abide by four fundamental duties on the Independence Day, which four duties according to you are the most important one? Why? (05 Marks - S25)

If I were to pledge four most important fundamental duties, I would choose:

1. **To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem (51A(a)):**
 - **Why:** This is the foundational duty. Respect for the Constitution ensures the survival of democracy and the rule of law. Respect for national symbols fosters patriotism and unity.
2. **To uphold and protect the sovereignty, unity, and integrity of India (51A(c)):**
 - **Why:** In a diverse country like India, this duty is crucial for national security, peace, and preventing divisive forces. It is the bedrock of the nation's existence.
3. **To promote harmony and the spirit of common brotherhood... to renounce practices derogatory to the dignity of women (51A(e)):**
 - **Why:** India is a melting pot of cultures and religions. This duty is essential for social cohesion, peace, and gender equality—key to a progressive society.
4. **To protect and improve the natural environment... (51A(g)):**

- **Why:** Environmental sustainability is the most pressing global challenge. This duty is vital for the health of the planet and the survival of future generations.

4. List the fundamental duties mentioned in the Indian Constitution. (05 Marks - W24)

(Identical to Question 1. List all 11 duties.)

Chapter 6: Directive Principles of State Policy (DPSP)

1. What do you mean by directive principles of state policy? What is their importance? (05 Marks - S24, W23)

- **Meaning:** Directive Principles of State Policy (DPSP) are **guidelines or principles** enshrined in **Part IV (Articles 36-51)** of the Constitution. They are **non-justiciable** (not enforceable by courts) and direct the state to apply these principles in making laws and policies.
- **Source:** Borrowed from the **Irish Constitution**.
- **Nature:** They aim to establish a **welfare state** and ensure **social and economic democracy**.

Importance of DPSP:

1. **Guiding Light for Governance:** Provide a framework for the state to achieve socio-economic justice.
2. **Complement Fundamental Rights:** FRs ensure political democracy, DPSPs aim for social and economic democracy.
3. **Instrument of Social Change:** Direct the state to work towards eliminating inequality, poverty, and injustice.
4. **Test for Government Performance:** Used by people to judge the performance of the government.
5. **Constitutional Amendments:** Many amendments and laws (e.g., land reforms, Panchayati Raj) have been inspired by DPSPs.
6. **Harmonious Construction:** Courts use DPSPs to interpret laws and Fundamental Rights, aiming for a balance.

2. Explain features of Directive Principles of State Policy (DPSP). (05 Marks - S23)

Features of DPSP:

- **Non-Justiciable:** Cannot be enforced in a court of law.
- **Fundamental in Governance:** The state is duty-bound to apply them in making laws (Article 37).
- **Aim at Welfare State:** Their goal is to create social and economic conditions for a good life.
- **Broad Socio-Economic Objectives:** Cover aspects like social order, economic equality, international peace, environmental protection.
- **Dynamic:** Their scope and interpretation evolve with time.
- **Classification:** Can be broadly classified into **Socialistic, Gandhian, and Liberal-Intellectual** principles.

3. State the comparison and difference between Fundamental Rights and Directive Principles. (05 Marks - S24, W23, S22)

Fundamental Rights (Part III)	Directive Principles (Part IV)
Justiciable (enforceable by courts).	Non-Justiciable (not enforceable by courts).
Negative obligations (prohibit state action).	Positive obligations (direct the state to do something).
Aim at establishing political democracy .	Aim at establishing social & economic

Fundamental Rights (Part III)	Directive Principles (Part IV)
	democracy.
Legal sanctions for violation.	Moral and political sanctions for non-implementation.
Individual-centric – protect individual liberty.	Community-centric – promote welfare of the society.
Suspended during National Emergency (except 20,21).	Not suspended during Emergency.
Can be amended but not violating basic structure.	Can be amended by simple majority.

Comparison (Similarities):

- Both are **constitutional obligations** on the state.
- Both aim to achieve the **goals set out in the Preamble** (justice, liberty, equality, fraternity).
- The Supreme Court has held that there is no **strict dichotomy** between them; they are **complementary**.

4. Explain the Gandhian Principles among the Directive Principles of State Policy. (05 Marks - S24, W23)

The **Gandhian Principles** reflect the ideas of **Mahatma Gandhi** and are incorporated in the DPSPs:

1. **Article 40:** Organisation of **village panchayats** and endowing them with powers and authority to function as units of self-government.
2. **Article 43:** Promotion of **cottage industries** on an individual or cooperative basis in rural areas.
3. **Article 43B:** Promotion of **voluntary formation, autonomous functioning, democratic control and professional management of cooperative societies** (added by 97th Amendment, 2011).
4. **Article 46:** Promotion of **educational and economic interests of Scheduled Castes, Scheduled Tribes, and other weaker sections**.
5. **Article 47:** Duty of the state to raise the **level of nutrition** and the **standard of living** and to improve **public health**.
6. **Article 48:** Organisation of **agriculture and animal husbandry** on modern and scientific lines and prohibition of cow slaughter.

5. Outline different categories of The Directive Principles of State Policy. (05 Marks - W22)

DPSPs can be classified into **three broad categories**:

1. **Socialistic Principles:**
 - Aim to provide **social and economic justice** and set up a welfare state.
 - Examples: Adequate means of livelihood (Article 39(a)), equal pay for equal work (Article 39(d)), child welfare (Article 39(f)), right to work, education, public assistance (Article 41).

2. **Gandhian Principles:**

- Based on Gandhian ideology for reconstruction.
- Examples: Village Panchayats (Article 40), cottage industries (Article 43), prohibition of intoxicants (Article 47), cow protection (Article 48).

3. **Liberal-Intellectual Principles:**

- Reflect liberal and intellectual ideas.
- Examples: Uniform civil code (Article 44), environmental protection (Article 48A), protection of monuments (Article 49), separation of judiciary from executive (Article 50), promotion of international peace (Article 51).

6. Explain DPSP and state its features. (05 Marks - S25)

(Combine the meaning from Q1 and features from Q2 of this chapter.)

- **DPSP:** Guidelines in Part IV (Articles 36-51) directing the state to establish a just social order. They are non-justiciable but fundamental in governance.
- **Features:** Non-justiciable, fundamental in governance, aim at a welfare state, comprehensive socio-economic objectives, dynamic, classified into socialistic, Gandhian, and liberal-intellectual principles.

7. State and Explain the classification of Directive Principle of State Policy. (05 Marks - S25)

(See answer to Question 5 above. Explain the three categories with examples.)

8. Discuss the significance of Directive Principles of State Policy (DPSP) in the governance of India. (05 Marks - W24)

Significance of DPSP in Governance:

1. **Blueprint for Welfare State:** Provide a comprehensive plan for socio-economic development.
2. **Guiding Policy Formulation:** Laws on land reforms, minimum wages, Panchayati Raj, environmental protection, etc., are based on DPSPs.
3. **Constitutional Amendments:** Many amendments (e.g., 73rd, 74th, 86th) were made to implement DPSPs.
4. **Judicial Interpretation:** Courts use DPSPs to interpret laws and Fundamental Rights, promoting social justice (e.g., in cases related to education, environment).
5. **Moral Compass:** Serve as a moral and political yardstick for people to judge government performance.
6. **National Integration:** Promote a uniform civil code and protect the interests of minorities, fostering unity.

Chapter 7: Federal Structure and Distribution of Legislative and Financial Powers

1. Explain the federal structure of the Indian Constitution, delineating the distribution of legislative and financial powers between the Union and the States. (05 Marks - S24)

The Indian Constitution establishes a **federal system** with a strong centralizing tendency (often called "quasi-federal" or a "Union of States").

Federal Features:

- Dual Polity: Union Government and State Governments.
- Written Constitution
- Division of Powers (Seventh Schedule)
- Supremacy of the Constitution
- Independent Judiciary
- Bicameralism (at Union level)

Distribution of Powers (Seventh Schedule):

1. **Union List (List I):** 100 subjects. Parliament has exclusive power to legislate. (e.g., Defence, Foreign Affairs, Banking, Currency).
2. **State List (List II):** 61 subjects. State Legislatures have exclusive power. (e.g., Police, Public Health, Agriculture, Local Government).
3. **Concurrent List (List III):** 52 subjects. Both Parliament and State Legislatures can legislate. In case of conflict, Union law prevails. (e.g., Criminal Law, Marriage, Education, Forests).

Distribution of Financial Powers:

- **Taxing Powers:** Clearly divided.
 - **Union:** Taxes on income (except agricultural), customs, corporation tax, etc.
 - **State:** Land revenue, stamp duty, taxes on agricultural income, VAT, etc.
 - **Concurrent:** No major taxes.
- **Finance Commission (Article 280):** Recommends distribution of tax proceeds between Union and States and grants-in-aid to states.
- **Grants-in-Aid:** Parliament can provide grants to states (Article 275).
- **Borrowing Powers:** Both Union and States can borrow, subject to constitutional limitations.

2. Explain the distribution of financial power between the union and the state. (05 Marks - S23)

(Elaborates on the financial powers section of the previous answer.)

Detailed Distribution of Financial Powers:

A. Power to Levy Taxes (Seventh Schedule):

- **Union List (List I):** Parliament levies and collects:
 - Taxes on income (except agricultural income)
 - Customs and export duties
 - Excise duties (except on alcohol)
 - Corporation tax
 - Taxes on capital value of assets
- **State List (List II):** State Legislature levies and collects:
 - Land revenue
 - Taxes on agricultural income
 - Taxes on sale/purchase of goods (VAT/GST – now under GST Council)
 - Stamp duties
 - Taxes on vehicles, luxuries, entertainment

- **Concurrent List (List III):** No significant tax entries.

B. Distribution of Proceeds:

- Some taxes levied and collected by the Union are **shared** with States (e.g., income tax, excise duties) as per recommendations of the **Finance Commission**.
- **GST:** A dual GST (Central GST and State GST) is levied on a common base, governed by the **GST Council** – a federal body.

C. Grants-in-Aid:

- Parliament can make **grants** to states (Article 275), especially to states in need of financial assistance.

D. Borrowing Powers:

- **Union Government:** Can borrow within India and abroad.
- **State Governments:** Can borrow within India only, subject to Union regulations.

3. Explain the Federal System. State its advantages and disadvantages. (05 Marks - S25)

Federal System: A system of government where power is divided between a central (national) authority and various constituent (state/regional) units. Both levels of government operate independently in their own spheres as defined by the constitution.

Advantages of Federalism:

1. **Accommodates Diversity:** Allows different regions/states with distinct cultures, languages, and needs to govern themselves on local matters.
2. **Prevents Concentration of Power:** Power is diffused, reducing the risk of tyranny.
3. **Promotes Experimentation:** States can act as "laboratories of democracy," trying out new policies.
4. **Increases Participation:** Brings government closer to the people, enhancing citizen involvement.
5. **Conflict Resolution:** Provides a peaceful mechanism for managing regional aspirations.

Disadvantages of Federalism:

1. **Inefficiency & Duplication:** Can lead to duplication of efforts and conflicts between central and state laws.
2. **Inequalities:** Rich states may prosper while poor states lag, creating regional imbalances.
3. **Complexity:** The system can be complex and slow in decision-making, especially during crises.
4. **Parochialism:** May promote narrow regional interests over national interests.
5. **Costly:** Maintaining two sets of government is expensive.

4. How the Union and the States are allocated legislative and financial powers? (05 Marks - W24)

(This is a combined summary of answers 1 and 2 in this chapter.)

Legislative Powers: Allocated via the **Seventh Schedule** (Union, State, Concurrent Lists). Union Parliament makes laws on Union List, State Legislatures on State List, and both on Concurrent List (Union law prevails in case of conflict).

Financial Powers: Allocated via the **Seventh Schedule** (tax entries). Union levies taxes like income tax, customs; States levy taxes like land revenue, VAT. **Finance Commission** recommends sharing of certain Union taxes with States. **GST Council** governs the Goods and Services Tax.

5. Write a note on distribution of power between the union and the state in India. (05 Marks - S25)

India has a **federal structure** with a clear division of powers between the Union and the States, as outlined in the Constitution.

Key Aspects:

1. **Seventh Schedule:** Contains three lists defining legislative subjects.
2. **Union List (List I):** Matters of national importance (Defence, Foreign Affairs, Railways).
3. **State List (List II):** Matters of local/regional importance (Police, Agriculture, Health).
4. **Concurrent List (List III):** Matters of common interest (Education, Marriage, Forests). Both can legislate; Union law prevails in conflict.
5. **Residuary Powers (Article 248):** Powers on subjects not in any list rest with the **Union**.
6. **Parliament's Power over State List:** In certain situations (national interest, during Emergency, with Council of States resolution), Parliament can legislate on State List subjects.
7. **Financial Powers:** Taxation powers are divided. A mechanism for sharing revenues exists via the Finance Commission.

This distribution ensures **national unity** while accommodating **regional diversity**.

6. Describe the legislative power of Union and State under Indian Constitution. (05 Marks - S23)

(Focuses on the legislative aspect from the previous answers.)

Legislative Powers:

- **Territorial Jurisdiction:** Parliament can make laws for whole/part of India. State Legislature can make laws for whole/part of the state.
- **Subject-matter Jurisdiction:** Defined by the **Seventh Schedule**.
 - **Union List (100 subjects):** Exclusive to Parliament.
 - **State List (61 subjects):** Exclusive to State Legislature.
 - **Concurrent List (52 subjects):** Both can legislate.
- **In case of repugnancy** (conflict) on a Concurrent subject, the **Union law prevails**. However, a state law can prevail if it has received **Presidential assent**.
- **Parliament's Power to Legislate on State List:**
 1. Under **Article 249** (Rajya Sabha passes a resolution by 2/3 majority in national interest).
 2. Under **Article 250** (during a National Emergency).
 3. Under **Article 252** (if two or more states request Parliament).
 4. To implement **international agreements** (Article 253).
- **Residuary Powers (Article 248):** Vests with Parliament.

7. What are the key features of Federal Government explain them in detail. (05 Marks - W22)

Key Features of a Federal Government:

1. **Dual Government:** Two levels of government – national and regional – each sovereign in its assigned sphere.
2. **Written Constitution:** The division of powers is codified in a supreme written constitution.
3. **Division of Powers:** Clear distribution of legislative, administrative, and financial powers between the two levels.
4. **Supremacy of the Constitution:** The constitution is the supreme law; both levels must operate within its framework.

5. **Rigid Constitution:** The division of powers cannot be altered unilaterally; a special amendment procedure is required.
6. **Independent Judiciary:** A supreme court acts as an umpire to interpret the constitution and resolve disputes between the centre and the units.
7. **Bicameral Legislature:** Often, the national legislature has two houses, with the upper house representing the states/regions.

8. Does India constitution provide provision of federalism? Explain your answer with valid reasons. (05 Marks - S22)

Yes, the **Indian Constitution provides for federalism**, but with strong unitary features. It is often described as a "**quasi-federal**" or "**federal in form but unitary in spirit**."

Reasons (Federal Features):

1. **Dual Polity:** Clear existence of Union and State governments.
2. **Written Constitution:** The division of powers is elaborately written.
3. **Division of Powers:** Through the **Seventh Schedule** (Union, State, Concurrent Lists).
4. **Supremacy of Constitution:** All organs are bound by it.
5. **Independent Judiciary:** Supreme Court is the final interpreter and arbiter of disputes.
6. **Bicameralism:** Rajya Sabha represents the states.

Reasons (Unitary/Non-Federal Features):

1. **Strong Centre:** Single Constitution, single citizenship, powerful Union in emergencies, central appointment of Governors.
2. **Parliament's Power over States:** Can alter state boundaries, make laws on State subjects under certain conditions.
3. **Financial Dependence of States:** States rely heavily on central grants and devolution.
4. **Integrated Judiciary:** Single, hierarchical system with Supreme Court at the apex.
5. **Appointment of Key Officials:** Governors, Election Commissioners, CAG are appointed by the Centre.

Conclusion: India has a **federal structure adapted to its unique needs** – aiming for national unity and integrity while accommodating diversity.

Chapter 8: Parliamentary Form of Government in India

1. Differentiate between Parliamentary and Presidential Government. (05 Marks - S23, S22, W23)

Aspect	Parliamentary System (e.g., India, UK)	Presidential System (e.g., USA, Brazil)
Head of State vs. Head of Government	Distinction between nominal head (President/Monarch) and real head (Prime Minister).	President is both head of state and head of government.
Executive-Legislature Relation	Executive (Council of Ministers) is part of and responsible to the legislature.	Executive is separate from and not responsible to the legislature.
Tenure	Not fixed. Government remains in power as long as it enjoys majority in lower house.	Fixed tenure for President (e.g., 4 years in USA).
Accountability	Collective responsibility of Council of Ministers to Parliament.	President is not accountable to the legislature.
Dissolution of Lower House	Prime Minister can advise the head of state to dissolve the lower house.	President cannot dissolve the legislature.
Separation of Powers	Fusion of powers.	Strict separation of powers.
Role of Party Discipline	Very high.	Less strict.

2. Identify the difference between Lok Sabha and Rajya Sabha. (05 Marks - S24, W22)

Aspect	Lok Sabha (House of the People)	Rajya Sabha (Council of States)
Composition	Maximum 552 members (530 from states, 20 from UTs, 2 Anglo-Indians).	Maximum 250 members (238 elected, 12 nominated by President).
Representation	Represents the people of India . Directly elected by citizens.	Represents the states and UTs . Indirectly elected by state legislators.
Tenure	5 years (can be dissolved earlier).	Permanent body, not subject to dissolution. 1/3 members retire every 2 years.

Aspect	Lok Sabha (House of the People)	Rajya Sabha (Council of States)
Presiding Officer	Speaker.	Chairman (Vice-President of India).
Special Powers	1. Money Bills: Can only originate here. 2. No-Confidence Motion: Can be introduced only here. 3. Final say in joint sitting.	1. Can authorize Parliament to make laws on a State List subject (Article 249). 2. Can create new All-India Services.

3. Write a note on Rajya Sabha and Lok Sabha. (05 Marks - W23)

Lok Sabha (House of the People):

- **Lower House** of Parliament.
- **Directly elected** by adult franchise.
- Maximum strength: **552**.
- Term: **5 years** (unless dissolved earlier).
- **Powers:** Has primacy in **financial matters** (Money Bills), **confidence motions**, and in **joint sittings**.
- **Presided over** by the **Speaker**.

Rajya Sabha (Council of States):

- **Upper House** of Parliament.
- **Indirectly elected** by elected members of State Legislative Assemblies.
- Maximum strength: **250**.
- Permanent body; **not subject to dissolution**.
- Represents the **states**; ensures federal balance.
- **Powers:** Can authorize Union Parliament to legislate on State List, create new All-India Services.
- **Presided over** by the **Vice-President of India** (ex-officio Chairman).

4. Explain the status of President of India. (05 Marks - S24)

The **President of India** is the **constitutional head of state** and the **first citizen of India**.

Constitutional Status:

1. **Nominal Executive:** The real executive power is vested in the **Council of Ministers** headed by the Prime Minister (Article 74).
2. **Head of State:** Represents the nation in international affairs, appoints ambassadors, receives foreign dignitaries.
3. **Part of Parliament:** Along with Lok Sabha and Rajya Sabha (Article 79).
4. **Supreme Commander:** Of the Defence Forces (Article 53).
5. **Electoral Status:** Elected indirectly by an **Electoral College** consisting of elected members of Parliament and State Legislative Assemblies.

Powers and Functions:

- **Executive:** All executive actions are taken in his/her name. Appoints PM, Ministers, Governors, Judges, etc.
- **Legislative:** Summons and prorogues Parliament, addresses it, assents to bills, can issue ordinances.
- **Judicial:** Appoints judges, power to grant pardon, reprieve, etc.
- **Emergency Powers:** Can proclaim National, State, and Financial Emergencies.

Conclusion: The President is a **constitutional figurehead** who acts on the aid and advice of

the Council of Ministers, except in certain discretionary situations.

5. List the merits and demerits of Parliamentary system. (05 Marks - W22)

Merits of Parliamentary System:

1. **Harmony between Executive & Legislature:** Ensures smooth functioning and less conflict.
2. **Responsible Government:** Executive is accountable to the legislature; can be removed via no-confidence motion.
3. **Flexibility:** No fixed tenure; government can be changed without a constitutional crisis.
4. **Prevents Despotism:** Collective leadership and party discipline prevent concentration of power.
5. **Representation of Diverse Views:** Coalition governments can represent various groups.

Demerits of Parliamentary System:

1. **Unstable Government:** In case of no clear majority, leads to coalition instability.
2. **No Separation of Powers:** Can lead to tyranny of the executive if it has a brute majority.
3. **Against Expert Administration:** Ministers may not be experts in their portfolios.
4. **Party Dictatorship:** Power centralised in the hands of the Prime Minister and party high command.
5. **Short-term Policies:** Government may focus on populist measures for electoral gains.

6. What are the constitutional powers of the President of India in a parliamentary system? (05 Marks - W24)

(This is a more detailed version of the "Powers and Functions" from Question 4.)

Constitutional Powers of the President:

A. Executive Powers (Article 53 & 77):

- All executive actions are taken in his name.
- Appoints the **Prime Minister** and, on PM's advice, other Ministers, **Attorney General, CAG, Governors, Election Commissioners**, etc.
- Can appoint commissions (e.g., Finance Commission, UPSC).

B. Legislative Powers (Articles 79-122):

- **Summons, prorogues, and dissolves** Parliament.
- **Addresses** Parliament at the commencement of the first session each year.
- Can **nominate** 12 members to Rajya Sabha and 2 Anglo-Indians to Lok Sabha.
- **Assent to Bills:** Gives assent to bills passed by Parliament. Can also:
 - **Return** a bill (except Money Bill) for reconsideration.
 - **Withhold assent** (veto – rarely used).
- **Ordinance-making power** (Article 123) when Parliament is not in session.

C. Financial Powers (Articles 112-117):

- Causes the **Union Budget** to be laid before Parliament.
- **Money Bills** can be introduced only on his recommendation.

D. Judicial Powers (Article 72):

- Power to **grant pardons, reprieves, respites, or remissions of punishment**.

E. Military Powers:

- Supreme Commander of the Defence Forces.

F. Emergency Powers (Part XVIII):

- Can proclaim **National, State (President's Rule), and Financial** Emergency.

Note: The President exercises these powers **on the aid and advice of the Council of Ministers** (Article 74(1)), except where the Constitution grants discretionary powers (e.g., appointment of PM in hung Parliament).

7. Write a note on Presidential type of Government System. (05 Marks - S25)

Presidential System of Government:

- **Definition:** A system where the **head of state (President)** is also the head of government and leads an executive branch that is **separate from the legislative branch**.
- **Key Features:**
 1. **Separation of Powers:** Clear distinction between the executive, legislature, and judiciary.
 2. **Fixed Tenure:** President is elected for a fixed term and cannot be removed by the legislature except through impeachment for grave misconduct.
 3. **No Collective Responsibility:** The President's cabinet members are not members of the legislature and are individually responsible to the President.
 4. **Checks and Balances:** Each branch has powers to check the others (e.g., President can veto legislation; legislature can impeach President).
- **Examples:** United States of America, Brazil.
- **Merits:** Stable government, expert administration, prevents dictatorship of the majority.
- **Demerits:** Can lead to deadlock between executive and legislature, less responsible government.

8. How is the President of India elected? What are the special powers given to him? (05 Marks - S22)

Election of the President (Article 54 & 55):

- **Electoral College:** Consists of:
 1. Elected members of both Houses of Parliament.
 2. Elected members of Legislative Assemblies of all States and UTs of Delhi and Puducherry.
- **System of Election:** By **proportional representation** by means of the **single transferable vote**.
- **Voting Value:** Value of an MLA's vote is based on state population. Value of an MP's vote is calculated to maintain parity between total state votes and Parliament votes.
- **Quota:** To win, a candidate must secure a **fixed quota** of votes.

Special Powers of the President:

1. **Ordinance-making Power (Article 123):** Can promulgate ordinances when Parliament is not in session.
2. **Pardoning Power (Article 72):** Can grant pardon, reprieve, respite, remission, or commute the sentence of any convict.
3. **Veto Power:** Can withhold assent to a non-money bill (absolute veto, suspensive veto, pocket veto).
4. **Discretionary Powers (Situational):** In appointing a Prime Minister when no party has a clear majority, in dismissing a ministry that has lost majority but refuses to resign, and under Article 356 (President's Rule) on the Governor's report.

9. Explain legislative, judiciary and executive in Indian Constitution. (05 Marks - S22)

The Indian Constitution establishes a **trias politica** (separation of powers) among three

organs:

1. Legislature (Parliament):

- **Function:** Makes laws.
- **Composition:** President, Rajya Sabha (Council of States), Lok Sabha (House of the People).
- **Powers:** Enacts laws, controls finances, amends constitution, oversees executive.

2. Executive (Government):

- **Function:** Implements laws and administers the country.
- **Composition:** At Union level: President (nominal head), Prime Minister (real head), Council of Ministers.
- **Powers:** Day-to-day administration, execution of laws, defence, foreign policy.

3. Judiciary (Courts):

- **Function:** Interprets laws and administers justice.
- **Composition:** Integrated hierarchical system with **Supreme Court** at the apex, followed by **High Courts** and **Subordinate Courts**.
- **Powers:** Judicial review, protection of Fundamental Rights, settlement of disputes, guardian of the Constitution.

Inter-relation: While separate, they work in coordination with **checks and balances** (e.g., executive is part of legislature; judiciary can review laws; President can return bills).

Chapter 9 & 10: Amendment of the Constitution & Historical Perspectives

1. Explain: 1) Constitutional Amendment 2) Powers of Constitutional Amendment 3) Procedure for Constitutional Amendment. (05 Marks - S23, S24)

1) Constitutional Amendment:

- A **Constitutional Amendment** refers to the formal change or modification of the provisions of the Constitution.
- It is essential to adapt the **supreme law** to changing social, economic, and political needs of the country.
- In India, the power to amend the Constitution is given to the **Parliament** (Article 368), but it is not unlimited – it cannot alter the **Basic Structure** of the Constitution (as held in the **Kesavananda Bharati case, 1973**).

2) Powers of Constitutional Amendment:

- The **power to amend** the Constitution lies with the **Parliament**.
- **No role for State Legislatures** in the ordinary amendment process, except when the amendment affects **federal provisions** (then ratification by half the states is required).
- **Judicial Review:** The Supreme Court has the power to **review and strike down** any amendment if it violates the **Basic Structure** of the Constitution.

3) Procedure for Constitutional Amendment (Article 368):

The procedure is neither too rigid nor too flexible.

- **Step 1: Initiation:** An amendment bill can be introduced in **either house** of Parliament (not in state legislatures). It can be introduced by a **minister or private member**.
- **Step 2: Parliamentary Approval:** The bill must be passed in **each House** by a **special majority**:
 - A majority of the **total membership** of that House.
 - A majority of **not less than two-thirds** of the members of that House **present and voting**.
- **Step 3: State Ratification (if required):** For amendments affecting certain **federal provisions** (mentioned in **Article 368, Proviso**), the bill must also be **ratified by the legislatures of not less than one-half of the states**.
- **Step 4: Presidential Assent:** After approval by Parliament (and states, if needed), the bill is presented to the **President** for his **assent**. The President **must give his assent**; he has no veto power over amendment bills.
- **Step 5: Commencement:** The amendment becomes effective on the date specified, or upon assent if no date is specified.

2. Explain the three methods through which amendment can be done in Indian Constitution. (05 Marks - S22)

The Constitution can be amended in three ways:

1. Amendment by Simple Majority of Parliament:

- Certain provisions can be amended by a simple majority (more than 50% of members present and voting).
- This is outside the scope of **Article 368**.
- **Examples:**
 - Admission or establishment of new states (Article 2, 3).
 - Abolition or creation of legislative councils in states (Article 169).
 - Laws regarding citizenship (Article 11).
 - Salaries & allowances of MPs (Article 106).

2. Amendment by Special Majority of Parliament (Article 368):

- Most provisions are amended by this method.
 - **Special Majority** means:
 - A majority of the **total membership** of each House.
 - A majority of **not less than two-thirds** of the members of that House **present and voting**.
 - **Examples:** Fundamental Rights, Directive Principles, most other provisions.
- 3. Amendment by Special Majority of Parliament and Ratification by States:**
- For amendments affecting **federal structure**, an additional step is required.
 - After being passed by Parliament with a special majority, the bill must be **ratified by the legislatures of at least one-half of the states**.
 - **Provisions requiring ratification include:**
 - Election of the President (Article 54, 55).
 - Extent of executive power of Union and States (Chapter I of Part V, VI).
 - Supreme Court and High Courts (Chapter IV of Part V, Chapter V of Part VI).
 - Representation of states in Parliament (Article 80, 81).
 - Seventh Schedule (distribution of powers).
 - Article 368 itself (amendment procedure).

3. Explain any five important amendments of the Indian Constitution. (05 Marks - S24)

1. 1st Amendment Act, 1951:

- **Reason:** To overcome judicial decisions that struck down land reform and caste-based reservation laws.
- **Key Changes:**
 - Added **Article 31A & 31B** and the **Ninth Schedule** to protect land reform laws from judicial review.
 - Imposed **reasonable restrictions** on freedom of speech under **Article 19(2)**.

2. 42nd Amendment Act, 1976 (The "Mini-Constitution"):

- **Reason:** Enacted during the Emergency, it sought to centralize power.
- **Key Changes:**
 - Added words "**Socialist**," "**Secular**," and "**Integrity**" to the Preamble.
 - Added **Fundamental Duties** (Part IVA).
 - Made **Directive Principles** superior to Fundamental Rights.
 - Curtailed judicial review power.
 - Extended the term of Lok Sabha and State Assemblies from 5 to 6 years (later reversed).

3. 44th Amendment Act, 1978:

- **Reason:** To reverse the excesses of the 42nd Amendment and restore democratic balance.
- **Key Changes:**
 - Restored the term of Lok Sabha and State Assemblies to **5 years**.
 - Made the President declare **National Emergency** only on written advice of the Cabinet.
 - Made **Judicial Review** of proclamation of Emergency permissible.
 - Protected certain **Fundamental Rights (Articles 20 & 21)** from suspension during Emergency.

4. 73rd Amendment Act, 1992:

- **Reason:** To give constitutional status to Panchayati Raj Institutions (PRIs).
- **Key Changes:**
 - Added **Part IX** (Articles 243 to 243O) and **11th Schedule**.
 - Provided for a **three-tier system** of PRIs.

- Mandatory **elections every 5 years**, reservation for SCs/STs/Women.

5. 86th Amendment Act, 2002:

- **Reason:** To make elementary education a fundamental right.
- **Key Changes:**
 - Made **education for children aged 6-14 a fundamental right** under **Article 21A**.
 - Changed **Article 45** (DPSP) to direct the state to provide early childhood care and education for children below 6.
 - Added a new **Fundamental Duty (Article 51A(k))** for parents to provide educational opportunities to their children.

4. How does the amendment process ensure flexibility in the Constitution? (05 Marks - W24)

The amendment process ensures flexibility through the following mechanisms:

- **Multiple Procedures:** The three-fold classification (simple majority, special majority, special majority + state ratification) allows for a **graded approach**.
- **Simple Majority for Non-Contentious Issues:** Matters like creating new states or changing citizenship laws can be amended easily, allowing the Constitution to adapt to **administrative and demographic changes**.
- **Special Majority for Core Provisions:** This balances flexibility with stability for important parts of the Constitution.
- **Judicial Interpretation:** The doctrine of **Basic Structure** allows the judiciary to invalidate amendments that destroy the Constitution's core identity, but this also means other amendments can be made freely within that boundary.
- **Evolution Over Time:** The process has allowed the Constitution to evolve significantly since 1950, adding new rights (e.g., education), new institutions (e.g., Panchayats), and new governance structures, proving its **dynamic and flexible nature**.

5. Discuss the significance of the First Amendment to the Indian Constitution. (05 Marks - W24)

Significance of the First Amendment Act, 1951:

1. **Protected Social Reforms:** It shielded **land reform laws** and laws for the **welfare of backward classes** from being challenged in courts on the grounds of violating Fundamental Rights (via **Articles 31A, 31B, and the Ninth Schedule**).
2. **Clarified Freedom of Speech:** It added **reasonable restrictions** under **Article 19(2)** on grounds of public order, friendly relations with foreign states, and incitement to an offence, providing a clearer legal framework.
3. **Strengthened State Power:** It established the state's authority to implement socio-economic policies for greater equality, even if they infringed on certain rights (like property).
4. **Set a Precedent:** It was the first major amendment, setting the stage for the Constitution as a **living document** that could be amended to meet societal needs.
5. **Addressed Judicial Concerns:** It was a direct response to court rulings (like in the **Champakam Dorairajan case**) that had struck down reservation policies.

6. Discuss the impact of the 42nd Amendment on the Indian Constitution. (05 Marks - W24)

Impact of the 42nd Amendment Act, 1976:

1. **Preamble Altered:** Added the words "**Socialist**,"

- "Secular," and "Integrity," defining India's character more explicitly.
2. **Shift in Rights Balance:** Declared that **Directive Principles** shall not be subordinate to any Fundamental Right, giving precedence to socio-economic goals over individual liberties.
 3. **Fundamental Duties Introduced:** Added **Part IVA (Article 51A)** with 10 fundamental duties for citizens.
 4. **Increased Central Power:** Curtailed the power of **judicial review** and elevated the authority of the Parliament.
 5. **Extended Terms:** Extended the normal term of Lok Sabha and State Legislative Assemblies from **5 to 6 years** (later reversed by the 44th Amendment).
 6. **Administrative Tribunals:** Provided for the creation of administrative tribunals for service matters.
 7. **Negative Impact on Federalism:** It is widely criticized for being enacted during the Emergency, **centralizing power**, and **undermining democratic checks and balances**. Many of its provisions were later diluted or repealed by the 44th Amendment.

Chapter 11: Emergency Provisions

1. Explain different types of emergencies in detail. (05 Marks - S22)

The Indian Constitution provides for three types of emergencies under **Part XVIII (Articles 352-360)**:

1. National Emergency (Article 352):

- **Grounds:** Proclaimed when the security of India or any part thereof is threatened by **war, external aggression, or armed rebellion**.
- **Declaration:** By the **President** on the written advice of the Cabinet.
- **Parliamentary Approval:** Must be approved by **both Houses of Parliament within one month** by a special majority.
- **Duration:** Initially for 6 months, can be extended indefinitely with parliamentary approval every 6 months.
- **Effects:**
 - **Executive:** Centre can give directions to states on any matter.
 - **Legislative:** Parliament can make laws on State List subjects.
 - **Financial:** President can modify distribution of revenues between Centre and States.
 - **Fundamental Rights:** **Article 19** is automatically suspended. Other FRs (except Articles 20 & 21) can be suspended by Presidential order.

2. State Emergency / President's Rule (Article 356):

- **Grounds:** Proclaimed if the President is satisfied that the governance of a state cannot be carried on in accordance with the Constitution (**failure of constitutional machinery**).
- **Declaration:** By the **President** on receipt of a report from the Governor or otherwise.
- **Parliamentary Approval:** Must be approved by **both Houses within two months**. Initially for 6 months, extendable up to a maximum of **three years**.
- **Effects:**
 - The state legislature is suspended or dissolved.
 - The President assumes all functions of the state government.
 - Parliament legislates on state matters.
 - The High Court continues to function.

3. Financial Emergency (Article 360):

- **Grounds:** Proclaimed if the President is satisfied that a situation has arisen threatening the **financial stability or credit of India** or any part thereof.
- **Declaration & Approval:** Similar procedure to National Emergency.
- **Effects:**
 - The Centre can give **directions to states** to observe canons of financial propriety.
 - Salaries of government officials, including judges, can be reduced.
 - Money bills of states can be reserved for President's consideration.

2. Explain the Nation Emergency. (05 Marks - S25)

(See the detailed explanation for "National Emergency" in Question 1 above.)

- **Grounds:** War, external aggression, armed rebellion.
- **Declaration:** By President on Cabinet's written advice.
- **Approval:** By Parliament within one month (special majority).
- **Effects:** Centre gets sweeping powers over states, Parliament can legislate on State List, Fundamental Rights (especially Article 19) are suspended.

3. Explain the Effects of the finance emergency if Proclaimed by the President. (05 Marks - S24, W23)

Effects of a Financial Emergency (Article 360):

- **Executive Direction:** The Union can give **directions to any state** to observe such canons of financial propriety as may be specified in the directions.
- **Reduction of Salaries:** The President may issue directions for the **reduction of salaries and allowances** of:
 - All or any class of persons serving the Union (including judges of the Supreme Court and High Courts).
 - All or any class of persons serving a state.
- **Reservation of Money Bills:** All Money Bills or other financial bills of a state can be **reserved for the consideration of the President** after they are passed by the state legislature.
- **Central Control over State Expenditure:** The President may require that all **money bills** or financial bills of a state be **reserved for his consideration**.
- **Note:** A Financial Emergency has **never been proclaimed** in India so far.

4. Distinguish the difference between National emergency and president's rule. (05 Marks - W22)

Aspect	National Emergency (Article 352)	President's Rule (Article 356)
Scope	Applicable to the whole of India or a part thereof.	Applicable to a particular state(s) only.
Grounds	War, external aggression, armed rebellion.	Failure of constitutional machinery in the state.
Effect on State Govt.	State executive and legislature continue but are subordinate to Centre.	State government is dismissed ; state legislature suspended/dissolved.
Effect on Fundamental Rights	Article 19 suspended automatically; other FRs can be suspended.	No direct effect on Fundamental Rights.
Parliamentary Approval	Must be approved within one month .	Must be approved within two months .
Maximum Duration	Indefinite (with parliamentary approval every 6 months).	Three years (with parliamentary approval every 6 months).

5. Detail the circumstances in which a National Emergency may be announced. (05 Marks - W24)

A National Emergency under Article 352 can be proclaimed by the President if he is satisfied that a **grave emergency** exists whereby the security of India or any part of it is threatened by:

1. **War:** Actual declaration or imminent threat of war against India.
2. **External Aggression:** Armed attack by a foreign country.

3. **Armed Rebellion:** Internal armed uprising that threatens the stability of the country.

Important Safeguards (44th Amendment):

- The President can declare an Emergency only **on the written advice** of the Cabinet.
- Such a proclamation must be **approved by both Houses of Parliament within one month** by a special majority.
- It can be **challenged in a court of law** on the ground of *mala fides* (bad faith).

6. What is a Financial Emergency? How does it affect the financial stability of the country? (05 Marks - W24)

- **Financial Emergency:** A proclamation by the President under **Article 360** if he is satisfied that a situation has arisen threatening the **financial stability or credit of India** or any part of it.
- **How it Affects Financial Stability:**
 1. **Central Control:** It gives the Central government sweeping powers to **direct states** on financial matters, ensuring strict fiscal discipline and preventing wasteful expenditure.
 2. **Salary Cuts:** It authorizes reductions in salaries of government officials, including judges, which is a drastic measure to control government expenditure.
 3. **Check on State Spending:** By requiring state money bills to be reserved for the President's consent, it places a direct check on state fiscal policies.
 4. **Restores Confidence:** By demonstrating strong central intervention, it aims to **restore confidence** in the country's financial system and creditworthiness, both domestically and internationally.

7. State the Emergency provisions provided in the Indian Constitution. (05 Marks - W23)

The Constitution provides for three types of emergencies in **Part XVIII**:

1. **National Emergency (Article 352):** Due to war, external aggression, or armed rebellion.
2. **State Emergency / President's Rule (Article 356):** Due to failure of constitutional machinery in a state.
3. **Financial Emergency (Article 360):** Due to threat to financial stability or credit of India.

8. Explain the effects of fundamental rights in National Emergency. (05 Marks - W23)

During a National Emergency proclaimed under Article 352:

- **Article 359** empowers the President to suspend the **enforcement of Fundamental Rights** (except those under **Articles 20 and 21**) by issuing an order.
- **Article 19** (freedoms of speech, assembly, etc.) is **automatically suspended** as soon as the Emergency is declared. No separate Presidential order is needed for Article 19.
- Other Fundamental Rights (like Articles 14, 21, 22, etc.) are **not automatically suspended**. Their enforcement can be suspended only by a **specific Presidential order** under Article 359.
- **Articles 20 and 21 (Protection in respect of conviction and Protection of life and personal liberty) CANNOT be suspended** even during an Emergency (as per the 44th Amendment).
- **Suspension means:** Citizens cannot move any court for the enforcement of the suspended rights. However, the rights themselves are not extinguished.

9. Summarize the effects of National emergency on fundamental rights. (05 Marks - W22)

(This is a concise summary of the previous answer.)

- **Article 19** is **automatically suspended**.
- Enforcement of **other Fundamental Rights** (except Articles 20 & 21) can be suspended by a **Presidential Order** under Article 359.
- **Articles 20 and 21** are **non-suspendable**.
- Suspension means courts cannot be approached for enforcement, but the rights are not taken away.

Chapter 12: Local Self Government - Constitutional Scheme in India

1. As per the 73rd Amendment 1992, which new part has been inserted in the Constitution of India? Explain in detail. (05 Marks - S24, W22)

- The **73rd Constitutional Amendment Act, 1992** inserted **Part IX** titled "**The Panchayats**" into the Constitution.
- It consists of **Articles 243 to 243O**.
- It also added the **11th Schedule** which contains **29 subjects** on which Panchayats may be empowered to make laws.

Key Provisions of Part IX:

1. **Definition (Article 243):** Defines key terms like Panchayat, Gram Sabha, etc.
2. **Gram Sabha (Article 243A):** A village assembly consisting of all registered voters in a village area.
3. **Three-tier System (Article 243B):** Panchayats at village (Gram Panchayat), intermediate (Block Panchayat), and district (Zila Parishad) levels in states with population >20 lakhs.
4. **Composition (Article 243C):** Members directly elected; seats reserved for SCs/STs and women (not less than one-third).
5. **Duration (Article 243E):** 5-year term; fresh elections before expiry.
6. **Powers & Functions (Article 243G):** State legislatures may endow Panchayats with powers and authority to enable them to function as institutions of self-government (as per 11th Schedule).
7. **Finance Commission (Article 243I):** Governor appoints a State Finance Commission every 5 years to review Panchayat finances.
8. **Election Commission (Article 243K):** State Election Commission supervises Panchayat elections.

2. Differentiate between municipalities and municipal corporation. (05 Marks - W23, S22)

Aspect	Municipality (Municipal Council / Nagar Palika)	Municipal Corporation (Mahanagar Palika / Nagar Nigam)
Area & Population	Smaller urban areas (e.g., towns).	Larger urban areas (big cities, metros).
Governance	Headed by a Chairperson or President .	Headed by a Mayor .
Administration	Executive officer is the Chief Officer or Municipal Commissioner .	Executive headed by a Municipal Commissioner (IAS officer).
Powers & Funds	Limited powers and financial resources.	Wider powers, greater autonomy, larger budget.
Legislation	Governed by State Municipal Acts.	Governed by a separate Corporation Act passed

Aspect	Municipality (Municipal Council / Nagar Palika)	Municipal Corporation (Mahanagar Palika / Nagar Nigam)
		by the state legislature.
Examples in Gujarat	Gandhinagar Municipality, Anand Municipality.	Ahmedabad Municipal Corporation, Surat Municipal Corporation.

3. Explain Panchayati Raj System of the Government. (05 Marks - S25)

The **Panchayati Raj System** is a three-tier structure of local self-government in rural India, established by the **73rd Amendment Act, 1992**.

Three Tiers:

1. **Gram Panchayat (Village Level):**
 - Covers a village or group of villages.
 - Members directly elected by the Gram Sabha.
 - Headed by a **Sarpanch**.
2. **Panchayat Samiti (Block/Taluka Level):**
 - Covers a block or taluka.
 - Members include elected representatives, MPs, MLAs of the area, and Sarpanchs of Gram Panchayats.
 - Headed by a **Chairperson**.
3. **Zila Parishad (District Level):**
 - Covers the entire district.
 - Members include elected representatives, MPs, MLAs, and Chairpersons of Panchayat Samitis.
 - Headed by a **President**.

Objectives:

- **Democratic Decentralization:** Bring democracy to the grassroots level.
- **Rural Development:** Plan and implement schemes for economic development and social justice.
- **People's Participation:** Ensure participation of rural people in decision-making.

4. Classify the role of Local Government. (05 Marks - S23)

The roles/functions of Local Government (both rural and urban) can be classified as:

1. Civic Functions:

- Water supply
- Sanitation and sewage disposal
- Solid waste management
- Public health (hospitals, dispensaries)
- Street lighting

2. Welfare & Development Functions:

- Urban/rural planning
- Construction and maintenance of roads, bridges, parks
- Promotion of education (primary schools)
- Social welfare (care for disadvantaged groups)

3. Regulatory Functions:

- Issue birth/death certificates

- Regulation of buildings (building permissions)
- Licensing of trades and establishments
- Slaughterhouse regulation

4. Representative Role:

- To act as a democratic institution representing local interests.
- To involve citizens in governance through participation in meetings (Gram Sabha, Ward Committees).

5. Describe the constitutional rules regarding Panchayati Raj organizations. (05 Marks - W24)

(Summarizes the key provisions of Part IX inserted by the 73rd Amendment.)

Constitutional Rules (Part IX):

- **Gram Sabha:** The foundation of Panchayati Raj (Article 243A).
- **Three-tier System:** Mandatory for states with population >20 lakhs (Article 243B).
- **Elections:** Direct elections for all seats (Article 243C).
- **Reservations:** Seats reserved for SCs/STs in proportion to population; not less than **1/3 seats reserved for women** (including within SC/ST quota) (Article 243D).
- **Duration:** 5-year term; if dissolved, elections within 6 months (Article 243E).
- **Powers & Functions:** As per 11th Schedule; state legislatures define specific powers (Article 243G).
- **Finance:** State Finance Commission to review financial position (Article 243I).
- **Audit & Accounts:** State legislature may make provisions (Article 243J).
- **Elections:** Supervised by State Election Commission (Article 243K).

6. Write a note on Constitution (74th Amendment) Act, 1993. (05 Marks - W23)

- The **74th Constitutional Amendment Act, 1992** (came into force in 1993) gave constitutional status to **Urban Local Bodies (ULBs)**.
- It added **Part IX-A** titled "**The Municipalities**" (Articles 243P to 243ZG).
- It also added the **12th Schedule** containing **18 subjects** for municipalities.

Key Provisions:

1. **Three Types of Municipalities:**
 - **Nagar Panchayat:** For a transitional area (rural to urban).
 - **Municipal Council:** For a smaller urban area.
 - **Municipal Corporation:** For a larger urban area.
2. **Composition & Elections:** Direct elections; reservations for SCs/STs and women (not less than one-third).
3. **Wards Committees:** Mandatory for municipalities with population >3 lakhs.
4. **Powers & Functions:** As per 12th Schedule.
5. **Finance Commission & Election Commission:** Provisions similar to Panchayats.
6. **District & Metropolitan Planning Committees:** For planning at district and metropolitan levels (Articles 243ZD & 243ZE).

7. Enlist the Difference between Gram Panchayat and Gram Sabha. (05 Marks - W23)

Aspect	Gram Panchayat	Gram Sabha
Definition	The executive body of village self-government.	The general assembly of all adult voters in a village.
Composition	Elected representatives (Panchs)	All registered voters in the village

Aspect	Gram Panchayat	Gram Sabha
	headed by a Sarpanch .	area.
Function	Administrative: Implements development works, maintains records.	Deliberative: Approves Panchayat plans, audits accounts, identifies beneficiaries.
Legal Status	A statutory body with legal identity.	Not a statutory body; it is a forum for direct democracy.
Frequency of Meetings	Meets regularly.	Must meet at least twice a year (as per law).
Role	Takes decisions and executes them.	Supervises and guides the Gram Panchayat.

8. What are the duties performed by Sarpanch in a village level Panchayati Raj system? (05 Marks - S22)

The **Sarpanch** (head of the Gram Panchayat) performs the following duties:

- **Presides over meetings** of the Gram Panchayat and Gram Sabha.
- **Executes the decisions** taken by the Gram Panchayat.
- **Represents the village** in meetings of the Panchayat Samiti (block level).
- **Supervises the work** of Panchayat staff.
- **Maintains records** of the Panchayat.
- **Plans and implements** development works (roads, sanitation, water supply).
- **Manages Panchayat funds** and ensures proper utilization.
- **Acts as a bridge** between the government and the villagers.
- **Resolves minor disputes** in the village.

Chapter 13, 14, 15: Specific Fundamental Rights & Other Topics

1. Write a note on right against Exploitation. (05 Marks - S24, W23)

The **Right against Exploitation** is enshrined in **Articles 23 and 24** of Part III of the Constitution.

- **Article 23 – Prohibition of traffic in human beings and forced labour:**
 1. **Prohibits** trafficking in human beings, *begar* (forced labour without payment), and other similar forms of forced labour.
 2. Any contravention of this provision is a **punishable offence**.
 3. **Exception:** The state can impose **compulsory service for public purposes** (e.g., military service, social service), but without discrimination on grounds of religion, race, caste, or class.
- **Article 24 – Prohibition of employment of children in factories, etc.:**
 1. **Prohibits** the employment of children **below the age of 14 years** in any factory, mine, or other hazardous employment.
 2. This right is **absolute** and not subject to any restriction.
 3. **Laws enforcing this right:** The **Child Labour (Prohibition and Regulation) Act, 1986** (amended in 2016) and the **Right to Education Act, 2009**.

Significance: These articles aim to **protect the dignity and liberty of individuals**, especially the **weak and vulnerable sections** of society, from exploitation.

2. What are your observations on cultural and educational rights given to Indian citizen in the Constitution? (05 Marks - S24, W22)

Cultural and Educational Rights are guaranteed under **Articles 29 and 30**.

Observations:

1. **Protection of Minority Interests (Article 29):**
 - **Article 29(1):** Protects the right of any **section of citizens** to conserve their distinct **language, script, or culture**.
 - **Article 29(2):** Prohibits discrimination in admission to state-funded educational institutions on grounds only of religion, race, caste, language, or any of them.
 - **Observation:** This is crucial in a diverse country like India, as it **preserves cultural pluralism** and prevents forced assimilation.
2. **Right of Minorities to Establish Educational Institutions (Article 30):**
 - **Article 30(1):** Grants **religious and linguistic minorities** the right to establish and administer educational institutions of their choice.
 - **Article 30(2):** The state shall not discriminate against minority institutions in granting aid.
 - **Observation:** This is a **fundamental right**, not subject to "reasonable restrictions." It empowers minorities to **preserve their identity** through education. However, it has also led to debates about **regulatory control** vs. **minority autonomy**.

Overall Observation: These rights are a **cornerstone of India's secular and pluralistic fabric**. They balance **national integration** with **cultural diversity**, ensuring that minority communities feel secure and their identities are respected. They also empower citizens to access education without discrimination.

3. Explain the rights granted to women in India. (05 Marks - S25)

The Indian Constitution grants several rights to women to ensure **equality, dignity, and protection**:

1. Constitutional Rights:

- **Equality (Articles 14-16):** Equal treatment before law, no discrimination on grounds of sex, equality in public employment.
- **Special Provisions (Article 15(3)):** Empowers the state to make **special provisions for women and children.**
- **Abolition of Trafficking & Forced Labour (Article 23):** Protects women from exploitation.
- **Directive Principles:** State to secure just and humane conditions of work and maternity relief (Article 42).

2. Legal Rights (Acts of Parliament):

- **Right to Equal Pay** (Equal Remuneration Act, 1976).
- **Protection from Domestic Violence** (Protection of Women from Domestic Violence Act, 2005).
- **Protection against Sexual Harassment at Workplace** (Sexual Harassment of Women at Workplace Act, 2013).
- **Rights related to Marriage & Divorce** (Hindu Marriage Act, 1955; Special Marriage Act, 1954).
- **Property Rights** (Hindu Succession Act, 1956 – amended in 2005 to give daughters equal rights).

3. Political Rights:

- **Right to vote** and contest elections.
- **Reservation of not less than one-third seats** for women in Panchayats and Municipalities (73rd & 74th Amendments).

These rights aim to **empower women** and achieve **gender justice**.

4. Briefly discuss the Constitutional Provisions provided to Women and Children in India. (05 Marks - W23)

A. Provisions for Women:

1. Fundamental Rights:

- **Article 14:** Equality before law.
- **Article 15(1):** Prohibition of discrimination on grounds of sex.
- **Article 15(3):** State can make special provisions for women.
- **Article 16:** Equality of opportunity in public employment.
- **Article 23:** Prohibition of traffic in women and forced labour.

2. Directive Principles:

- **Article 39(a):** Right to adequate means of livelihood for men and women equally.
- **Article 39(d):** Equal pay for equal work for both men and women.
- **Article 42:** Provisions for just and humane conditions of work and maternity relief.

3. Special Laws: Various acts for protection against dowry, domestic violence, sexual harassment, etc.

B. Provisions for Children:

1. Fundamental Rights:

- **Article 21A:** Right to free and compulsory education for children aged 6-14.
- **Article 24:** Prohibition of employment of children below 14 in hazardous occupations.

2. Directive Principles:

- **Article 39(f):** Children to be given opportunities to develop in a healthy manner; protected from exploitation.

- **Article 45:** State to provide early childhood care and education for all children until they complete 6 years (post-86th Amendment).
- 3. **Fundamental Duty (Article 51A(k)):** Parent/guardian to provide educational opportunities to children between 6-14 years.

5. What does the concept of “Right to Life” encompass in Article 21 of the Indian Constitution? (05 Marks - W24)

Article 21: "No person shall be deprived of his life or personal liberty except according to procedure established by law."

The concept of "**Right to Life**" has been **expanded enormously** by judicial interpretation to include a wide range of rights essential for a life with dignity:

1. **Right to Livelihood** (Olga Tellis case)
2. **Right to Privacy** (Justice K.S. Puttaswamy case)
3. **Right to Health & Medical Care**
4. **Right to Education** (until 14 years – now a separate FR, Article 21A)
5. **Right to Speedy Trial**
6. **Right to Fair Trial & Legal Aid**
7. **Right against Torture & Cruel, Inhuman, or Degrading Treatment**
8. **Right to Shelter** (Chameli Singh case)
9. **Right to Clean Environment & Water**
10. **Right to Travel Abroad**
11. **Right to Die with Dignity** (Passive Euthanasia – Aruna Shanbaug case)

This expansion, known as "**judicial activism**," has transformed Article 21 into the **most dynamic and comprehensive fundamental right**, ensuring that "life" means a life of **human dignity**, not mere animal existence.

6. Define Socialist, Secularist, Communist, Democratic and Sovereign. (05 Marks - S22)

These are key terms from the **Preamble** and political philosophy:

- **Socialist:** Commitment to achieve **social and economic equality** and to end exploitation. It implies a mixed economy where the state plays a key role in reducing inequalities.
- **Secular:** The state has **no official religion** and treats all religions with equal respect. Citizens have the freedom to profess, practice, and propagate any religion.
- **Communist:** A political and economic ideology advocating for a **classless society** where all property is publicly owned, and each person works and is paid according to their abilities and needs. (Note: *This term is **not** in the Preamble; "Socialist" is often confused with it.*)
- **Democratic:** A system of government where **power is derived from the people**, exercised directly or through elected representatives. It implies free and fair elections, rule of law, and respect for individual rights.
- **Sovereign:** India is a **free and independent nation**, not subject to any external authority. It has the power to make decisions on all matters (internal and external) without interference.

7. What is preamble? Explain under which amendment preamble was added. (05 Marks - S22)

- **Preamble:** The **introduction or preface** to the Constitution. It contains the **ideals, objectives, and philosophical foundations** of the Constitution. It is the **soul of the Constitution**.
- **Amendment:** The Preamble was **not added by an amendment**. It was part of

- the **original Constitution** adopted on 26 November 1949.
- However, the Preamble has been **amended once** by the **42nd Constitutional Amendment Act, 1976**, which added the words "**Socialist**," "**Secular**," and "**Integrity**" to it.
- Note:** The Supreme Court, in the **Kesavananda Bharati case (1973)**, held that the Preamble is part of the Constitution and can be amended, but not in a way that destroys its **Basic Structure**.

8. Define the meaning of important key words from Preamble: Sovereign, Socialist, Secular, Democratic. (05 Marks - W22)

(See definitions in Question 6 above. Omit "Communist" as it is not in the Preamble.)

9. Write notes on Preamble of CONSTITUTION OF INDIA. (05 Marks - S23)

The Preamble to the Constitution of India:

- It is a brief introductory statement that sets out the **guiding purpose, principles, and philosophy** of the Constitution.
- It was adopted on **26 November 1949** and came into force on **26 January 1950**.
- Key Components:**
 - Source of Authority:** "We, the people of India..." – indicating **popular sovereignty**.
 - Nature of Indian State:** Sovereign, Socialist, Secular, Democratic, Republic.
 - Objectives:** Justice (social, economic, political), Liberty (thought, expression, belief, faith, worship), Equality (status, opportunity), and Fraternity (dignity, unity).
 - Date of Adoption:** 26th November 1949.
- Significance:** It is the **key to the Constitution**, aids in its interpretation, and reflects the dreams and aspirations of the founding fathers. The Supreme Court has held it to be part of the **Basic Structure** of the Constitution.

10. Write notes on Structure of CONSTITUTION OF INDIA. (05 Marks - S23)

The Indian Constitution is the **lengthiest written constitution** in the world. Its structure is as follows:

A. Parts:

- Originally had 22 Parts. Now it has **25 Parts** (after additions like Part IVA, IX, IXA, XIVA).
- Parts cover specific subjects (e.g., Part I – Union and its Territory, Part II – Citizenship, Part III – Fundamental Rights).

B. Articles:

- Originally 395 Articles. Currently, there are **448 Articles** (with many added, repealed, or renumbered).

C. Schedules:

- Originally 8 Schedules. Now there are **12 Schedules**.
- Schedules provide details and lists (e.g., 1st Schedule – States and UTs, 7th Schedule – Union, State, Concurrent Lists, 10th Schedule – Anti-Defection Law).

D. Appendices:

- Contains texts of important resolutions and acts (now largely historical).

Overall Structure: The document is systematically organized into **Parts, Articles, and Schedules**, making it a comprehensive legal framework for governing the country.

11. List and discuss the adoption of the features of the constitutions of the other

countries. (05 Marks - S23)

(This is a more detailed version of Chapter 1, Question 6.)

The Indian Constitution is often called a "bag of borrowings." Key adoptions include:

- **UK:** Parliamentary government, Rule of Law, Legislative procedure, Single citizenship, Office of Speaker, Bicameralism.
- **USA:** Fundamental Rights, Judicial review, Impeachment of President, Independence of judiciary, Preamble, Vice-President as ex-officio Chairman of Rajya Sabha.
- **Ireland:** Directive Principles of State Policy, Method of election of President, Nomination of members to Rajya Sabha.
- **Canada:** Federation with a strong Centre, Residuary powers with Centre, Appointment of state governors by Centre, Advisory jurisdiction of Supreme Court.
- **Australia:** Concurrent List, Freedom of trade and commerce, Joint sitting of Parliament.
- **Germany (Weimar Constitution):** Suspension of Fundamental Rights during Emergency.
- **South Africa:** Procedure for amendment of the Constitution, Election of members of Rajya Sabha.
- **Japan:** Procedure established by law.
- **France:** Republic and ideals of Liberty, Equality, Fraternity.

Discussion: This **eclectic borrowing** was done selectively and adapted to India's unique conditions, showing the wisdom of the Constituent Assembly in crafting a document suited to India's needs.

12. Define Constitution. Discuss types of Constitution. (05 Marks - S23)**Definition of Constitution:**

- A constitution is the **supreme fundamental law** of a country.
- It lays down the **framework, powers, and functions** of government institutions, defines the **relationship between the state and its citizens**, and establishes the **basic principles** of governance.

Types of Constitution:

1. **On the basis of Form:**
 - **Written Constitution:** Codified in a single document (e.g., India, USA).
 - **Unwritten Constitution:** Based on customs, conventions, and statutes (e.g., UK).
2. **On the basis of Amendment Procedure:**
 - **Rigid Constitution:** Requires a special procedure for amendment (e.g., USA).
 - **Flexible Constitution:** Can be amended easily like ordinary law (e.g., UK).
 - **Indian Constitution is a blend** of rigidity and flexibility.
3. **On the basis of Distribution of Power:**
 - **Unitary Constitution:** All powers vested in the central government (e.g., UK, France).
 - **Federal Constitution:** Powers divided between central and state governments (e.g., USA, India – though with unitary features).

13. State and explain different types of writs which can be issued by judiciary. (05 Marks - S22)

The **Supreme Court (Article 32)** and **High Courts (Article 226)** can issue five types of writs for the enforcement of Fundamental Rights and for other purposes:

1. **Habeas Corpus:** "You may have the body."
 - **Purpose:** To produce a detained person before the court and inquire into the

- legality of detention.
 - **Effect:** If detention is found unlawful, the person is set free.
- 2. **Mandamus:** "We command."
 - **Purpose:** To command a public authority to perform a public duty which it has failed or refused to perform.
 - **Issued against:** Any public body, corporation, tribunal, or inferior court.
- 3. **Prohibition:** "To forbid."
 - **Purpose:** Issued by a higher court to a lower court or tribunal to prevent it from exceeding its jurisdiction or acting contrary to rules of natural justice.
 - **Issued only against:** Judicial and quasi-judicial bodies.
- 4. **Certiorari:** "To be certified."
 - **Purpose:** To quash the order of a lower court or tribunal passed in excess of jurisdiction or in violation of natural justice.
 - **Effect:** Transfers the case to the higher court for review.
- 5. **Quo Warranto:** "By what authority?"
 - **Purpose:** To inquire into the legality of a person's claim to a public office.
 - **Effect:** If the claim is found invalid, the person is ousted from the office.

14. State the writs mentioned in Indian Constitution and explain them. (05 Marks - S25)
(Identical to Question 13 above.)

15. What are the writs that can be issued by the courts under the right to constitutional remedies? (05 Marks - W22)
(Identical to Question 13 above. List and briefly explain the five writs.)