

Q1)

a) Preamble is the Introduction or Preface to the Indian Constitution. It contains the essence or summary of the constitution. The Preamble states the philosophy, objectives, and features of the constitution. N.A. Palkhivala called the Preamble as the identity card of the Indian Constitution. The Preamble of the Indian Constitution is based on the objectives resolution drafted and moved by Pandit Nehru. Its present form reads as: We, the people of India, having solemnly resolved to constitute India into a SOVEREIGN, SOCIALISTIC, SECULAR, DEMOCRATIC, REPUBLIC and to secure to all its citizens JUSTICE (social, economic, and political), LIBERTY (of thought, expression, belief, faith, and worship), EQUALITY (of status and opportunity) and to promote among them all FRATERNITY assuring the dignity of the individual and unity and integrity of the nation.

b) The 73rd Constitutional Amendment act provides for a **Gram Sabha** as the foundation of the Panchayati Raj system. It is essentially a village assembly consisting of all the registered voters in the area of the panchayat. The state has the power to determine what kind of powers it can exercise, and what functions it has to perform at the village level.

c) Article 21A of the Indian Constitution says about “Right to elementary education”

d) Composition of Inter State Council :

The Inter-State Council composed of the following members:

- Prime Minister, Chairman.
- Chief Ministers of all states.
- Chief Ministers of the union territories having legislative assemblies.
- Administrators of the union territories not having legislative assemblies.
- 6 Union Cabinet Ministers, including Home Minister, to be nominated by the Prime Minister.
- Governors of the states being administered under President's rule.

e) NHRC investigates grievances regarding the violation of human rights either suo motu or after receiving a petition.

- It has the power to interfere in any judicial proceedings involving any allegation of violation of human rights.
- It can visit any jail or any other institution under the control of the State Government to see the living conditions of the inmates and to make recommendations thereon.
- It can review the safeguards provided under the constitution or any law for the protection of the human rights and can recommend appropriate remedial measures.
- NHRC undertakes and promotes research in the field of human rights.

f) Written Constitution: Indian Constitution is a fully written document which incorporates various laws for proper management of the country. Indian constitution contains separate provisions for states and centre and their interrelationship. The constituent assembly had borrowed various provisions from several other constitutions of the world which made it very detailed. Moreover, there are separate provisions for scheduled castes, scheduled tribes, other backward classes, children, and women.

Q2)

a) On August 20, 1917, the British Government declared, for the first time... that its objective was the gradual introduction of responsible government in India.

- The Government of India Act of 1919 was thus enacted, which came into force in 1921. This Act is also known as Montagu-Chelmsford Reforms (Montagu was the Secretary of State for India and Lord Chelmsford was the Viceroy of India).

Features of the Act:

1) It relaxed the central control over the provinces by demarcating and separating the central and provincial subjects. The central and provincial legislatures were authorised to make laws on their respective list of subjects. However, the structure of government continued to be centralised and unitary.

2) It further divided the provincial subjects into two parts—transferred and reserved. The transferred subjects were to be administered by the governor with the aid of ministers responsible to the legislative Council. The reserved subjects, on the other hand, were to be administered by the governor and his executive council without being responsible to the legislative Council. This dual scheme of governance was known as 'dyarchy'—a term derived from the Greek word di-arche which means double rule. However, this experiment was largely unsuccessful.

3) It introduced, for the first time, bicameralism and direct elections in the country. Thus, the Indian Legislative Council was replaced by a bicameral legislature consisting of an Upper House (Council of State) and a Lower House (Legislative Assembly). The majority of members of both the Houses were chosen by direct election.

4) It required that three of the six members of the Viceroy's executive Council (other than the commander-in-chief) were to be Indian.

5) It extended the principle of communal representation by providing separate electorates for Sikhs, Indian Christians, Anglo-Indians, and Europeans.

6) It granted franchise to a limited number of people on the basis of property, tax, or education.

7) It created a new office of the High Commissioner for India in London and transferred to him some of the functions hitherto performed by the Secretary of State for India.

8) It provided for the establishment of a public service commission. Hence, a Central Public Service Commission was set up in 1926 for recruiting civil servants.

b) Indian constitution, being the most unique and the longest written constitution in the world, originally had 395 articles which are further divided into 22 parts and 8 schedules. As a result of various amendments over time, at present, our constitution contains 448 articles, with 12 schedules. The constitution of India was put together by a Constituent Assembly. After several meetings and discussions, finally, on 26th January 1950, our constitution came into effect.

Salient features of Indian Constitution:

1. Longest Written Constitution: Indian Constitution is a fully written document which incorporates various laws for proper management of the country. Indian constitution contains separate provisions for states and centre and their interrelationship. The constituent assembly had borrowed various provisions from several other constitutions of the world which made it very detailed.

Moreover, there are separate provisions for scheduled castes, scheduled tribes, other backward classes, children, and women.

2. Single Citizenship: Presently there are 28 states and 9 Union Territories in India and all citizens enjoy a common uniform citizenship. All those citizens are further entitled to equal freedom, rights, and protection.

3. Fundamental Rights: The fundamental rights of an Indian citizen are guaranteed under Part III (Articles 12-35). It is also called the 'Indian Bill of Rights'. After the 44th Amendment Act 1979, there are presently six fundamental rights in our constitution. It is to be noted that these fundamental rights are not absolute and are subject to certain limitations as mentioned in the constitution itself.

4. Mixture of Rigidity and Flexibility: The Constitution of India is said to be the perfect mixture of rigidity and flexibility. It is neither wholly rigid nor wholly flexible. It is because some provisions of the Constitution can be amended very easily while others can only be amended by complex processes.

5. Universal Adult Franchise: This part of the Constitution promotes the policy of 'one person one vote'. According to this part of the Constitution, every individual of 18 years and above has a right to vote irrespective of their age, gender, race, color, religion, etc.

6. Integrated and Independent Judiciary: A single system of courts enforces both union and state laws. Independence of courts is ensured by security of tenure, protection against arbitrary removal, all expenses charged on the consolidated fund, ban on employment after retirement, and contempt of court.

7. Fundamental Duties: Part IV-A (Article 51-A) of the Constitution describes various Fundamental Duties of each citizen. These were added by the 42nd amendment. They are inspired by the Russian constitution. They are non-justifiable and non-enforceable by courts.

8. Secular State: This word was added to the preamble by the 42nd amendment. India is unique in its multi-religious nature. Indian secularism is positive: "State shall treat all religions equally".

9. Directive Principles of State Policy: These are non-justifiable, non-enforceable by courts. They are meant to promote social, economic democracy. They are inspired by the Irish constitution. They are also part of the Instrument of Instructions in the Government of India Act, 1935.

10. Federal with Unitary Bias: The Indian Constitution is unique as it contains many unitary features like a strong center, All India Services common to the center and the states, Emergency provisions that can modify the Constitution into a unitary one if the need arises, appointment of Governors by the President on the advice of the center, etc.

11. Judicial Review: This part of the Constitution gives the judiciary a right to review each law and further declare them as unconstitutional or invalid according to the decisions.

12. Parliamentary System of Government: Indian Constitution provides for a parliamentary form of government. The President is the nominal or Constitutional head of the state. He is indirectly elected by the citizens of India for a fixed period of 5 years. While the Prime Minister is the real or executive head of the state and is collectively responsible for the management of the Council of Ministers.

Q3)

a) : In India, the powers of the Union government are treated as the powers of the President as stated under Article 53, which reads: "The executive powers of the Union shall be vested in the President and shall be... " exercised by him either directly or through the officers subordinate to him in accordance with this Constitution.

- The powers enjoyed and the functions performed by the President can best studied under the following heads.

1. Executive powers
2. Legislative powers
3. Financial powers
4. Judicial powers
5. Diplomatic powers
6. Military powers
7. Emergency powers

1. Executive powers:

All executive actions of state are taken in his name.

- Powers of the president have to be exercised with the advice of the PM& council of ministers.
- He can make rules specifying which orders and instruments made and executed in his name shall be authenticated.
- He can makes rules for more convenient transaction of business of union government and allocation of said business among ministers.
- He appoints PM and council of ministers and the attorney general, they occupy office during his pleasure.
- He appoints CEC and EC's, CAG, Chairman and members of UPSC, finance commission, governors of state, inter state councils, administrators of UT's.
- He can declare scheduled areas and tribal areas and has powers of administration of these areas.
- He can appoint a commission to investigate in to the conditions of SCs, STs and other back ward classes.

- He appoints administrators to UT's called chief commissioner, lieutenant governor or administrator.

2. Legislative Powers:

- Dissolving Lok Sabha .Summoning and proroguing house of parliament.
Summon join has sitting of both houses to resolve deadlocks.
- He can send messages to the House of Parliament regarding bills or otherwise he can nominate 12 members to Rajya Sabha from fields such as science, literature, and social service.
- He can nominate two members of the Anglo-Indian community to Lok Sabha if he feels the community isn't adequately represented.
 - He decides questions of disqualification of MPs after advice of EC, which is binding. Money bills and bills leading to alteration of boundaries of state or UTs need his approval before they can be introduced in the house.
- He lays the reports of UPSC, EC, and CAG before the House of Parliament.
- He can promulgate ordinances when Parliament (both houses or any one house) isn't in session; however, such ordinances have to be laid before Parliament within 6 weeks of its reassembly.
Thus, they are temporary laws. The president should be satisfied of the need to take immediate action. The President's satisfaction is subject to judicial review.

3. Financial Powers:

Money bills can be introduced in the house only after his assent.

- He constitutes a finance commission every five years.
- He causes to be laid the annual financial statement before Parliament.
- No demand for grant can be made except on his recommendation.
 - He can make advances out of the contingency fund of India to meet unforeseen circumstances.

4. Judicial Powers:

- He appoints judges of SC and HCs.
- He can grant pardon (removes sentence and conviction), remit (reduce sentence but not its character), reprieve (stay execution for a temporary period), commute (substitute sentence with a lighter form), or respite (award lesser sentence due to

special factors of convict) the sentence of a convict sentenced under Union law, court martial, or sentenced to death under any law.

- He can seek advice from the SC on any question of law or fact; such advice is not binding on him.

5. Diplomatic Powers:

- The international treaties and agreements are negotiated and concluded on behalf of the President; however, they are subject to the approval of the Parliament.
- He represents India in international forums and affairs and sends and receives diplomats like ambassadors, high commissioners, and so on.

6. Military Powers:

- He is the supreme commander of the defence forces of India. In that capacity, he appoints the chiefs of the Army, Navy, and Air Force.
- He can declare war or conclude peace, subject to the approval of the Parliament.

7. Emergency Powers:

- a) National Emergency → Article 352 → On grounds of threat to the security of India or any part of it, by war, external aggression, or armed rebellion.
- b) Presidential Rule → Article 356 → Proclamation for taking over the administration of a state when the state government cannot carry out administration in accordance with the Constitution.
- c) Financial Emergency → Article 360 → When the financial stability or credit of India or any part is threatened.

b)

Compositions of Council of minister:

- Council of Ministers consists of "Cabinet ministers + Minister of States (Independent charge) + Deputy Minister (Minister of state)".
- PM is appointed by the President, and on the PM's advice, COMs (President has to accept PM's choice) Strength of COMs is not fixed but depends on the PM, and shall not exceed 15% of the total strength of the Lok Sabha as per the 91st amendment.

- A COM must be a member of either house of Parliament. If a person who is not a member of either house of Parliament is appointed as a minister, he shall cease to be a minister after 6 months, unless he manages to get elected to either of the two houses.

- Ministers are required to take an oath of secrecy administered by the President.

- A COM may be chosen from either house of Parliament.

- A COM who is a member of one house has the right to speak in and take part in proceedings of the other house without any right to vote if he is not a member of that house.

- The Cabinet is the real policy-making body of the COM.

- It is the Cabinet that meets as and when summoned by the PM to take important decisions of the government.

- The basic principle of parliamentary or cabinet form of government is the principle of collective responsibility. COMs are collectively responsible to the Lok Sabha for the policies and decisions of the government.

Individual ministers may have differences among themselves on certain issues, but once a decision is taken by the Cabinet, it becomes the joint decision of the COMs.

- If a minister does not agree with the decision of the Cabinet, he has no option but to resign from the COMs. He cannot disapprove a decision of the Cabinet and at the same time remain a member of the COMs.

- If a decision of a particular ministry on a political matter is defeated in the Lok Sabha, it is not the ministry that resigns, but the whole COMs resigns.

- However, if a minister makes a decision without the approval of the Cabinet and it is defeated in the Lok Sabha, the minister concerned only has to resign, not the whole Cabinet.

- Ministers hold office during the pleasure of the President and can be removed from the COMs by the President at any time, but only on the advice of the PM.

Hence, this power is mainly exercised by the PM.

Q4)

a)

Categories of fundamental Rights:

FudamentalRights	Description
1.Right to equality(Articles14-18)	(a) Equality before law and equal protection of laws(Article14). (b) Prohibition of discrimination on grounds of religion, race, caste ,Sex or placeof birth(Article15). (c) Equality of opportunity In matters of public employment(Article 16). (d) Abolition of untouch ability and prohibition of its practice(Article 17). (e) Abolition of titles except military an academic(Article18).
2.Right to freedom(Articles19–22)	(a) Protection of six rights regarding freedom of: (i) speech and expression, (ii) assembly, (iii) association, (iv) movement, (v) residence, and (vi) profession (Article 19). (b) Protection in respect of conviction for offences (Article 20). (c) Protection of life and personal liberty (Article 21). (d) Right to elementary education (Article 21A). (e) Protection against arrest and detention in certain cases (Article22).
3. Right Against exploitation (Articles23–24)	(a) Prohibition of traffic in human beings and forced labour(Article23). (b) Prohibition of employment of children in factories, etc.(Article24).

b)

Fundamental Rights	Fundamental Duties
<ul style="list-style-type: none">1) Integral part of constitution Basic Structure, hence cannot be taken away.2) Justiciable Enforce able by court.3) Provision of suspension of FR'S during emergency.4) Some FR's are available to Citizens and some are available to both citizens and foreigners.5) FR's are Social and Political in Nature	<ul style="list-style-type: none">1) Duties can be taken away.2) Non-Justiciable, can't be enforced by court.3) No need of suspension.4) FD's are extended to only citizens.5) They are Social, Political and Economic in nature.

Q5)

a) **Administrative Relations (Article 256-263):**

- Article 256 States that executive power of every state shall be exercised in compliance with laws made by parliament.
 - This article states that India's federal structure is a federation with a strong centre.
- Article 257 this article empowers the central government to issue directions to the state government to protect the properties belonging to the union located in the state. The state government must follow the directions any violation of these directions will be considered as violation of constitution. The cost incurred by the state government in carrying out these orders will be paid by centre.
- Article 258 The President may with consent of the state governor either conditionally or unconditionally hand over any administrative functions related to executive power of centre to the state government.
- Article 261 (3) states that final judgments or orders delivered or passed by civil courts in any part of the territory of India shall be capable of execution anywhere within that territory according to law.
- Article 262 (1) states that Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of the waters of, or in, any inter-State river or river valley.

- Article 263 Empowers the President to constitute an Inter State Council if it is required in the Interest of Public.

b) Roles and Functions of Finance Commission:

The Finance Commission makes recommendations to the president of India on the following issues:

- The net tax proceeds distribution to be divided between the Centre and the states, and the allocation of the same between states.
- The principles governing the grants-in-aid to the states by the Centre out of the consolidated fund of India.
- The steps required to extend the consolidated fund of a state to boost the resources of the panchayats and the municipalities of the state on the basis of the recommendations made by the state Finance Commission.
- Any other matter referred to it by the president in the interests of sound finance.
- The Commission decides the basis for sharing the divisible taxes by the centre and the states and the principles that govern the grants-in-aid to the states every five years.

- Any matter in the interest of sound finance may be referred to the Commission by the President.
- The Commission's recommendations along with an explanatory memorandum with regard to the actions done by the government on them are laid before the Houses of the Parliament.
- The FC evaluates the rise in the Consolidated Fund of a state in order to affix the resources of the state Panchayats and Municipalities.
- The FC has sufficient powers to exercise its functions within its activity domain.
- As per the Code of Civil Procedure 1908, the FC has all the powers of a Civil Court. It can call witnesses, ask for the production of a public document or record from any office or court.

Q6)

a) The **powers of the Function Election Commission** are defined in the following articles of the Indian Constitution:

- **Article 324:** Superintendence, control and direction of national and state level elections are to be directly handled by the ECI
- **Article 325:** Inclusion and exclusion of names in electoral rolls are based on Indian Citizenship. No citizen of India above the voting age should be excluded from the rolls or included in a special electoral roll based on any criteria such as race, caste, religion or sex.

- **Article 326:** Defines universal adult franchise as the basis for elections to all levels of the elected government.
- **Article 327:** Defines responsibilities of the ECI and parliament for the conduct of national elections.
- **Article 328:** Defines the role and responsibilities of the state legislatures with respect to state level elections.
- **Article 329:** Prohibits court interference in matters related to elections unless specifically asked to provide their views.

• **The powers of the Election Commission can be studied under three headings:**

- 1) Administrative Powers
- 2) Advisory Powers
- 3) Quasi-Judicial Powers

1. Administrative Powers of the Election Commission:

- The commission has been empowered to function in accordance to the Delimitation Commission Act and define the territorial boundaries of electoral constituencies for different elections.
- It has been given powers to register and deregister any political party or entity.
- It is empowered to enforce the 'Model Code of Conduct' for election campaigns and ensures its implementation.

- It is empowered to keep a check on the election expenses of the political parties. This ensures a level playing field for all the political parties irrespective of their size and thus the capacity to spend.
- It has the power to appoint officers as election observers and expenditure observers from different departments of the Civil Services.

2. Advisory Powers of the EC:

- The Commission is empowered to advise the President of India regarding disqualification of the members of Parliament and the conditions for the same.
- The Commission also advises the Governors with respect to the disqualifications of members of the State Legislatures
- It advises the High Courts and Supreme Court in matters related to post-election disputes between candidates and political parties.

Note: The post-election disputes related to the election of President and Vice President go to the Supreme Court. Disputes regarding the Parliament and the State Legislatures are referred to the High Courts.

3. Election Commission Quasi-Judicial Powers:

- The Election Commission is empowered to settle disputes regarding recognition granted to political parties and candidates.

- It has the powers to act as a court for matters related to disputes arising out of the allotment of election symbols to political parties and candidates.

No two election symbols are the same, even in different regions.

- It must be noted that the elections with respect to the election of Panchayats and Municipalities are carried out under the supervision of the State Election Commission. The State Election Commissions are in turn advised by the ECI.

b)

Role and Function of the National Commission for Women:

- 1. Investigation and Examination:** Investigate and examine all the matters relating to the safeguards provided for the women under the Constitution and other laws.
- 2. Recommendations:** Make in such reports and recommendations for the effective accomplishment of those safeguards for enhancing the conditions of the women by the Union or any State.
- 3. Review :** every now and then, the current provisions of the Constitution and other laws distressing the women and prescribe alterations and suggest curative legislative measures to meet any break, inadequacies and incapacity in such legislation.
- 4. Cases of Violation:** Take up cases of violation of the provisions of the Constitution and of other laws relating to the women with the relevant authorities.

5. Suo Motu Notice: It looks into complaints, and takes Suo Motu notice of matters relating to – deprivation of women's rights, Non-implementation of the laws and Non-compliance of policy decisions guaranteeing the welfare for women society.

6. Special Studies and Investigation: It conducts special studies or investigation on the concerning issues or circumstances emerging out of segregation and outrages against ladies and recognizes the limitations in order to suggest techniques for their expulsion.

7. Research: Undertake the promotional and educational research so as to propose ways of ensuring due representation of women in all fields and identifies the factors responsible for impeding the support services and technologies for reducing drudgery and professional health hazards and for escalating their efficiency.

8. Participation in all spheres particularly in Planning: take part and advise on the planning process of socioeconomic development of women.

9. Evaluation: assess the progress of the development of women society under the Union and State.

10. Inspection: investigate or cause to be inspected a jail, remand home women's establishment or other places of guardianship where ladies are kept as detainees.

11. Funding: fund litigation, relating issues affecting a large body of women.

12. Reporting: make periodical reports on any issue pertaining to women and in particular various difficulties under which women toil.

Q7)

a) The **philosophy of the Indian Constitution** is contained in our Preamble.

The philosophical foundations of the Indian Constitution include the principles of Liberalism, Democratic Socialism, Secularism, Gandhism, and Internationalism.

• **Philosophical Foundations of the Indian Constitution include:**

i. Liberalism and Rule of Law

ii. Democratic Socialism to provide social, economic, and political justice towards establishing a socialistic pattern of society.

iii. Secularism with equality and equal respect to all religions by providing freedom of religion to citizens.

iv. Gandhism with importance on peaceful coexistence, prohibition and abolition of Untouchability, Local Self-governments (gramswaraj), economic decentralization, and equality among all.

v. Internationalism with an enduring faith in the peaceful

resolution of disputes.

vi. The Preamble describes the nature of the Indian political system as Sovereign, Socialist, Secular, Democratic, Republic.

a) Sovereign – Means that India is an independent country and not a dominion of others. Free to acquire and cede its territory to other foreign countries.

b) Socialist – Indian socialism is democratic socialism, unlike communist socialism which involves nationalization of industry and the abolition of private property. In democratic socialism, the public and private sectors exist side by side. The aim is to eradicate poverty, injustice, and inequality of opportunity. Indian socialism is a blend of Marxism and Gandhism leaning towards Gandhism.

c) Secular – All religions, irrespective of strength, have the same status and support from the state.

d) Democratic – Supreme power is with the people. In India, we have indirect democracy where representatives of people exercise power on their behalf. Indian democracy has social, political, and economic democracy. Direct democracy is in Switzerland. The devices of it are referendum, initiative, recall, plebiscite.

e) Republic – It means that the head of the state is not hereditary. Also, the supreme power is vested in the people and there are no privileged classes i.e., all offices are open to all without discrimination.

f) Justice – This is of three forms: Social (All are treated equally without discrimination), Political (All have access to all offices and equal voice in government), and Economic (No discrimination on grounds of economic factors).

g) Liberty– Absence of restraints on activities of individuals and also providing opportunities for the development of individual personalities.

h) Equality – Absence of special privileges to any section and provision of opportunities for all without discrimination.

i) Fraternity – Through a single citizenship, it promotes a feeling of brotherhood irrespective of caste, religion, sex, creed, and race. It means that the state has to ensure unity and integrity of the nation along with the dignity of the individual.

b) The 74th Amendment deals with urban local bodies (Nagarpalikas or Municipality).

The Census of India defines an urban area as-

- A minimum population of 5,000;
- At least 75% of the male working population engaged in non-agricultural occupations; and
- A population density of at least 400 persons per sq. km.
- As per the 2011 census (provisional data), about 31 percent of India's population lives in urban areas.
- Many provisions of the 74th Amendment are similar to the 73rd Amendment.

- The functions of Nagarpalika have been listed in the Twelfth Schedule of the Constitution.
- The Indian population has 16.2 percent Scheduled Castes (SC) and 8.2 percent Scheduled Tribes (ST), and accordingly, the seats for both SC and ST are reserved in local government.