



## 30 Days Revision Module Day 2 - Polity II

1) Consider the following statements

1. Both the Parliament and the State Legislative Assembly can make 'extraterritorial legislation'.
2. The extraterritorial laws of the Parliament have an overriding power over the State laws.
3. The Parliament has exclusive powers to make laws with respect to inter-state trade and commerce.

Which of the above statement(s) is/are **not correct**?

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

Answer : a

- The Parliament alone can make 'extraterritorial legislation'. Thus, the laws of the Parliament are also applicable to the Indian citizens and their property in any part of the world.
- The Parliament has exclusive powers to make laws with respect to inter-state trade and commerce.

2) Which of the following statements is true?

- a. During a national emergency, as the state governments are brought under the complete control of the Centre, they are suspended.
- b. A resolution of disapproval of the national emergency is required to be passed by the Lok Sabha only by a simple majority.
- c. The national emergency is declared by the President and can be revoked by only on his own.
- d. During the President's Rule, the president administers the state himself and the Parliament makes laws for the state.

Answer : b

- During a national emergency, the state governments are brought under the complete control of the Centre, though they are not suspended.
- A resolution of disapproval of the national emergency is required to be passed by the Lok Sabha only by a simple majority only.
- A resolution of continuation of the national emergency is required to be passed by both the Houses of Parliament by a special majority.
- The national emergency is declared by the President. But it is revoked by the Lok Sabha by passing a resolution for its revocation.
- During the President's Rule, the president administers the state through the Governor and the Parliament makes laws for the state.

3) Consider the following provisions with regard to inter-state relations in the Constitution

1. Adjudication of inter-state water disputes.
2. Coordination through the inter-state councils and zonal councils.
3. Freedom of inter-state trade, commerce and intercourse.

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

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

Answer : b

The Constitution provides for

- Adjudication of inter-state water disputes.
- Coordination through the inter-state councils.
- Freedom of inter-state trade, commerce and intercourse.

4) Consider the following statements regarding adjudication of interstate water disputes.

1. The Central government can set up an ad hoc tribunal for the adjudication of an interstate water dispute.
2. The decision of the tribunal would be binding on the parties to the dispute.
3. The Supreme Court is the only Court that has jurisdiction over the decision of the tribunal.

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

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



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Answer : a

Neither the Supreme Court nor any other court is to have jurisdiction in respect of any water dispute which may be referred to such a tribunal under the Inter-State Water Disputes Act.

5) Consider the following statements about Constitution Amendment Bill

1. A private member of the parliament can introduce a constitution amendment bill without the prior permission of the President.
2. Amendment of the procedure of Election of President and its manner requires consent from the States.

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

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

Answer : c

- A constitution amendment bill can be introduced by a minister or a private member.
- It does not require prior permission of the President.

- The following provisions can be amended by Special majority of the Parliament and Consent of States
  - Election of the President and its manner
  - Extent of the executive power of the Union and the States
  - Supreme Court and High Courts
  - Distribution of legislative powers between the Union and the States
  - Any of the lists in the 7th Schedule
  - Representation of States in Parliament
  - Power of Parliament to amend the constitution and its procedure (Article 368)

6) In which of the following cases, Supreme Court has held that Basic Structure Doctrine would apply to constitutional amendments enacted after April 24, 1973?

- Kesavananda Bharati Case (1973)
- Minerva Mills Case (1980)
- Waman Rao Case (1981)
- Golak Nath v. State of Punjab case (1967)

Answer : c

In the Waman Rao Case (1981), the Supreme Court adhered to the doctrine of the 'Basic Structure' and further clarified that it would apply to constitutional amendments enacted after April 24, 1973 (i.e. the date of judgement in the Kesavananda Bharati Case)

7) Which of the following is considered as the bedrock principle of Parliamentary government?

- Majority Party Rule
- Presence of Nominal and Real Executives
- Collective Responsibility
- Both b and c

Answer : c

Collective Responsibility is the bedrock principle of parliamentary government. The ministers are collectively responsible to the Parliament in general and to the Lok Sabha in Particular (Article 75).

8) The basic structure theory of Constitution implies that

- Certain features of the constitution are so essential to it that they cannot be abrogated
- Fundamental rights cannot be abridged or taken away
- The Constitution cannot be amended except in accordance with the procedure prescribed in Art. 368
- Preamble cannot be amended for it is not part of constitution and the same time represents its real spirit

Answer : a

- The basic structure doctrine was evolved from the Kesavananda Bharati Case (1973).
- It states that certain features of the constitution are so essential to it that they cannot be abrogated.
- Over the period of time, certain provisions are added to the doctrine by various judgements. According to which, the fundamental rights can be amended provided that Article 14, 21 and 32 are not touched.
- The constitution can be amended by simple majority and in accordance with Article 368.

- Preamble is a part of the constitution and it can be amended provided that it is not done to the 'basic structure'.

9) Which of the following are the federal features of the constitution?

1. Rigid Constitution
2. Bicameral legislature
3. Office of CAG
4. Collective responsibility
5. Office of Governor

Select the correct answer using the code below

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

Answer : b

- Collective Responsibility is the feature of Parliamentary system.
- Office of CAG is a constitutional body and it represents the unitary feature of the constitution

10) Consider the following statements about federation

1. The term 'federation' has nowhere been used in the constitution.
2. The States have no right to secede from the federation.
3. The Indian federation resembles Canadian federation rather than American model.

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

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

Answer : d

The Indian federation resembles the Canadian federation in the following ways -

1. In its formation (by way of disintegration)
2. In its preference to the term 'Union' (Canadian federation is also called Union)
3. In its centralising tendency (i.e vesting more powers in the centre vis-à-vis the states)

11) Which of the following is/are considered as Constitutional Amendment Bill(s)?

1. Admission or establishment of new States, alteration of areas, boundaries or names of existing States (Articles 2, 3 and 4).
2. Creation or abolition of Legislative Councils in the States (Article 169).
3. Administration and control of Scheduled Areas and Scheduled Tribes (Para 7 of 5th Schedule).
4. Administration of Tribal Areas in the States of Assam, Meghalaya, Tripura and Mizoram (Para 21 of 6th Schedule)

Select the correct answer using the code given below:

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

d. None of the above

Answer : d

- All the given provisions can be amended by a simple majority amendment and not considered as the constitution amendment under Article 368. It falls outside the scope of Article 368.

12) The system of legal responsibility of minister is not a feature of Indian Parliamentary System because

- a. A person who is not a member of parliament can also be appointed as minister.
- b. The prime minister may be a member of any of the two houses of parliament.
- c. The ministers are not required to counter sign the official act of the head of the state.
- d. The ministers are collectively responsible to the parliament.

Answer : c

Britain has the system of legal responsibility of the minister while India has no such system. Unlike in Britain, the ministers in India are not required to countersign the official acts of the Head of the State

13) Consider the following statements about Secularism

1. To be truly secular, a state must not only refuse to be theocratic but also have no formal, legal alliance with any religion.
2. In Indian Model of Federalism, the state engages with religion both positively and negatively.

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

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



Answer : c

- The Indian state may engage with religion negatively to oppose religious tyranny. This is reflected in such actions as the ban on untouchability. It may also choose a positive mode of engagement.
- Thus, the Indian Constitution grants all religious minorities the right to establish and maintain their own educational institutions which may receive assistance from the state.

14) Consider the following statements

1. President can send back the advice given by the Council of Ministers
2. There is no mention in the Constitution about the time limit within which the President must send the bill back for reconsideration
3. President can decide upon whom to appoint as the Prime Minister if no leader has a clear majority in the Lok Sabha.

Which of the above statements regarding the discretionary powers of the President is/are correct?

- a. 1 only
- b. 1 and 2 only
- c. 1 and 3 only
- d. All of the above

Answer : d

- When the President thinks that the advice has certain flaws or legal lacunae, or that it is not in the best interests of the country, the President can ask the Council to reconsider the decision.

- There is no mention in the Constitution about the time limit within which the President must send the bill back for reconsideration. This gives the President an informal power to use the veto in a very effective manner. This is sometimes referred to as 'pocket veto'.
- The President can act on his discretion (that is, without the advice of the ministers) under the following situations -

1. Appointment of Prime Minister when no party has a clear majority in the Lok Sabha or when the Prime Minister in office dies suddenly and there is no obvious successor
2. Dismissal of the council of ministers when it cannot prove the confidence of the Lok Sabha
3. Dissolution of the Lok Sabha if the council of ministers has lost its majority

15) Consider the following statements about recommendations of Sarkaria Commission

1. The residuary power of taxation should be placed in the concurrent list to strengthen State's finances.
2. When the president withholds his assent to the state bills, the reasons should be communicated to the State government.

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

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

Answer : b

- In 1983, the central government appointed a three-member commission on Centre-State relations under the chairmanship of R S Sarkaria and submitted its report on 1987.
- It made 247 recommendations to improve Centre-State relations.
- The residuary power of taxation should continue to remain with the Parliament, while the other residuary powers should be placed in the Concurrent List.
- The Centre should consult the states before making a law on a subject of the Concurrent list.
- When the president withholds his assent to the State bills, the reasons should be communicated to the State government.

16) Consider the following statements about the Council of Ministers

1. Before the 91st Amendment Act (2003), the size of the Council of Ministers was determined according to requirements of the situation.
2. The Council comes into existence only after the Prime Minister has taken the oath of office.

Which of the above statements is/are correct?

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

Answer : c

Before the 91st Amendment Act (2003), the size of the Council of Ministers was determined according to exigencies of time and requirements of the situation. But this led to very large size of the Council of Ministers. Besides, when no party had a clear majority, there was a temptation to win over the support of the members of the Parliament by giving them ministerial positions as there was no restriction on the number of the members of the Council of Ministers.

Therefore, an amendment was made that the Council of Ministers shall not exceed 15% of total number of members of the House of the People.

17) Which of the following features of Constitution of India makes it a 'living document'?

- a. More than 100 Amendments to the Constitution
- b. Evolving judicial interpretations
- c. Ability to respond to the different situations and circumstances arising
- d. All of the above

Answer : d

Almost like a living being, this document keeps responding to the situations and circumstances arising from time to time. Like a living being, the Constitution responds to experience. In fact that is the answer to the riddle we mentioned at the beginning about the durability of the Constitution. Even after so many changes in the society, the Constitution continues to work effectively because of this ability to be dynamic, to be open to interpretations and the ability to respond to the changing situation. This is a hallmark of a democratic constitution.

18) Which one of the following statements is correct?

- a. The President can promulgate an Ordinance whenever the Council of Ministers advises him to do so.
- b. An Ordinance promulgated by the President of India may curtail fundamental rights.
- c. An Ordinance remains valid till the Council of Ministers decides.
- d. An Ordinance can be promulgated to transfer an entry from the State List to the Concurrent List.

Answer : b

- The president can promulgate an ordinance only when both the Houses of Parliament are not in session or when either of the two Houses of Parliament is not in session. (not whenever council of ministers advises).
- The maximum life of an ordinance can be six months and six weeks.
- The ordinance making power of the President is coextensive with the law-making powers of the Parliament except the duration.
- It cannot be issued to amend the constitution (Transferring an entry from state to concurrent list requires constitutional amendment)

19) Consider the following statements regarding the Financial Emergency

1. During Financial emergency, the Money Bill passed by the State Legislature is to be reserved for the consideration of the President.
2. The President is competent for the reduction of salaries and allowances of the Central government employees but not the State government employees.

Which of the statements given above is/are correct?

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

Answer : a

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

The consequences of the proclamation of a Financial Emergency are as follows:

1. The executive authority of the Centre extends (a) to directing any state to observe such canons of financial propriety as are specified by it; and (b) to directions as the President may deem necessary and adequate for the purpose.
2. Any such direction may include a provision requiring (a) the reduction of salaries and allowances of all or any class of persons serving in the state; and (b) the reservation of all money bills or other financial bills for the consideration of the President after they are passed by the legislature of the state.
3. The President may issue directions for the reduction of salaries and allowances of (a) all or any class of persons serving the Union; and (b) the judges of the Supreme Court and the high court.
4. Thus, during the operation of a financial emergency, the Centre acquires full control over the states in financial matters. H N Kunzru, a member of the Constituent Assembly, stated that the financial emergency provisions pose a serious threat to the financial autonomy of the states.

20) Consider the following statements

1. Except for North-Eastern Council, all the other Zonal Councils are Constitutional bodies.
2. The North-Eastern Council was established by an executive order by the Government.

Which of the statements given above is/are correct?

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



Answer : d

- The Interstate council is a constitutional body established under the Article 263 of the Constitution
- The 5 Zonal Councils are statutory bodies established by the State Reorganisations Act, 1956
- North-Eastern Council is a statutory body established by the North-Eastern Council Act, 1971