



Fact Sheet Prep Series Part - 10

ANSWER KEY WITH EXPLANATION

POLITY

(PART - II)

1. Ans. b

Explan - Supreme Court: The Judges of the Supreme Court cannot be transferred and cannot be promoted. This is the union court and the apex institution of the united court system. The Judges of the Supreme Court cannot do their practice after retirement. These are also restricted during their tenure.

2. Ans. d

3. Ans. c

Explan - As provided in Article 3-11, Provisions of the Indian Constitution relating to the formation of new states can be amended by a simple majority in each House of Parliament.

4. Ans. c

Explan - Restriction of the writ jurisdiction of the High Court's under Article 226 of the Constitution is only possible through an amendment of the Constitution passed by two thirds majority of members present and voting and a majority of the total membership of each House of Parliament together with the ratification of half of the State Legislatures.

5. Ans. d

6. Ans. d

Extra Information - The 73rd Amendment Act gives constitutional status to the Gram Sabha. The provisions of Panchayats (Extension to the Scheduled Areas) Act, 1996 extends Panchayats to the tribal areas of eight states, namely Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Orissa and Rajasthan. This has come into force on 24th December, 1990. Except Rajasthan and Bihar, all states have passed laws to give effect to the provisions contained in the Act 40 of 1996.

7. Ans. d

Explan - Every person who has to file or defend a case shall be entitled to legal services under this Act if that person is –

- A member of a Scheduled Caste or Scheduled Tribe;
- A victim of trafficking in human beings or begar as referred to in Article 23 of the Constitution;
- A woman or a child;
- A mentally ill or otherwise disabled person;
- A person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
- An industrial workman; or
- In custody, including custody in a protective home within the meaning of clause (g) of section 2 of the Immoral Traffic (Prevention) Act, 1956 (104 of 1956); or in a juvenile home within the meaning of clause (h) of section 2 of the Juvenile Justice Act, 1986 (53 of 1986) or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of section 2 of the Mental Health Act, 1987 (14 of 1987); or
- In receipt of annual income less than Rs. nine thousand or such other higher amount as may be prescribed by the State Govt., if the case is before a court other than the Supreme Court, and less than Rs. twelve thousand or such other higher amount as may be prescribed by the Central Govt., if the case is before the Supreme Court.

8. Ans. d

Explan - The 86th Constitutional Amendment Act



introduced Article 21A which confers the right to free and compulsory education to all children of the age of six to fourteen years. Consequently, Article 45 under the Part IV (Directive Principles of State Policy) which originally made a provision for free and compulsory education for all children until they complete the age of 14 years, was amended. It now reads, the state shall endeavour to provide early-childhood care and education for all children until they complete the age of six years. 'The amendment also added a new fundamental duty under Article 51A that reads – 'It shall be the duty of every citizen of India to provide opportunities for education to his child or ward between the age of six and fourteen years.'

9. Ans. d

Explain - From the various judgments, the following have emerged as 'basic features' of the Constitution or elements/Components/ingredients of the 'basic structure' of the Constitution

- 1) Supremacy of the Constitution.
- 2) Sovereign, democratic and republican nature, of the
- 3) Indian polity.
- 4) Secular character of the Constitution. Separation of powers between the legislature, the executive and the judiciary
- 5) Federal character of the Constitution.
- 6) Unity and integrity of the nation
- 7) Welfare state (socio – economic justice)
- 8) Judicial review
- 9) Freedom and dignity of the individual
- 10) Parliamentary system
- 11) Rule of law
- 12) Harmony and balance between Fundamental Rights and Directive Principles.
- 13) Principle of equality
- 14) Free and fair elections
- 15) Independence of Judiciary
- 16) Limited power of Parliament to amend the Constitution
- 17) Effective access to justice.
- 18) Principle of reasonableness
- 19) Powers of the Supreme Court under Articles 32, 136, 141 and 142.

10. Ans. b

Explain - The e-Courts scheme aims ICT enablement of

the lower courts across the country in their functioning.

11. Ans. a

Explain - Cabinet is headed by the Prime Minister and not the Head of State (President)

12. Ans. a

Explain - District Planning Committee consolidates the plans prepared by the Panchayats and the Municipalities in the district and prepares a draft development plan for the district as a whole. All States and Union Territories except Meghalaya, Mizoram, Nagaland, J&K and NCT of Delhi are required to set up District Planning Committees in accordance with Article 243ZD of the Constitution of India.

13. Ans. c

Explain - A resolution to impeach the President has to be passed by a majority of not less than two thirds of the total membership of the House.

14. Ans. b

Explain - Right to move freely throughout the territory of India and to reside and settle in any part of India may also be restricted in the interest of the general public or for the protection of the interests of any Scheduled Tribe. Right to assemble peacefully and without arms may be restricted in the interests of the sovereignty and integrity of India or public order.

15. Ans. b

Explain - If a person is elected to the Lok Sabha or Rajya Sabha and also the State Legislature, his seat in the Parliament becomes vacant after 14 days unless he resigns his seat in the State legislature. A Member of Parliament may resign his seat by writing under his hand addressed to the Chairman or the Speaker. Resignation becomes final only when it has been accepted.

16. Ans. a

Explain - Privileges enjoyed by the members individually include:

- A member cannot be summoned without the leave of the House to give evidence while the House is in session.
- There is complete immunity for anything spoken in the House.
- Freedom from civil arrest.

Statements 3 and 4 are the privileges enjoyed by individual members.

17. Ans. b

Explain - The salient features of the Act includes-To provide reservation of seats for Scheduled Castes, Scheduled Tribes and women (not less than 33



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percent). To constitute District Planning Committees to prepare draft development plan for the district as a whole. According to the Constitution, Panchayats shall be given powers and authority to function as institutions of self-government.

18. Ans. d

Related Information - This Act has added Part IX-A to the Constitution of India. It is entitled as 'The Municipalities' and has inserted provisions from Articles 243-P to 243-ZG. In addition, the Act has also added Twelfth Schedule to the Constitution. It contains 18 functional items of municipalities listed under Article 243-W. It gives constitutional status to the municipalities and has brought them under the purview of judicial review.

19. Ans. c

Explain - Parliament may by law provide for the abolition of the Legislative Council of a State having such a Council or for the creation of such a Council in a State having no such Council, if the Legislative Assembly of the State passes a resolution to that effect by a majority of the total membership of the Assembly and by a majority of not less than two-thirds of the members of the Assembly present and voting.

20. Ans. a

21. Ans. d

22. Ans. b

Explain - A money bill can be a government bill only. No private bill can be a money bill. The Lok Sabha may or may not accept the recommendations of Rajya Sabha. Whether or not accepted those recommendations, thus returned bill is considered passed in both houses. If Rajya Sabha does not even return the bill in 14 days, it is considered passed in both houses.

23. Ans. d

24. Ans. c

Explain - The Constitution, unlike in the case of the Supreme Court, does not fix any maximum number of judge for a High Court. Each state has a High Court. It is the highest judicial organ of the state. However, there can be a common high Court like Punjab, Haryana & Union territory of Chandigarh. Consists of chief justice & other such judge as appointed by the president.

25. Ans. c

Explain - In 1978, Government of India, through a resolution, set up a multi-member commission for SCs and STs. The office of the Commissioner for SCs and STs also continued to exist.

26. Ans. d

27. Ans. a

Explain - Article 257 of the constitution states that if the state government fails to endorse the laws passed by the Parliament within its jurisdiction, the union government can issue directions to the states to ensure their compliance.

28. Ans. d

29. Ans. a

Explain - FR available only to citizens and not to foreigners Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth (Article 15) Equality of opportunity in matters of public employment (Article 16) Protection of six rights of freedom of (Article 19) Protection of language, script and culture of minorities (Article 29) Right of minorities to establish and administer educational institutions (Article 30)

30. Ans. b

Explain - 44th Amendment Act of 1978 abolished the right to property as a Fundamental Right by repealing Article 19(1)(f) and Article 31 from Part III. Instead, the Act inserted a new Article 300A in Part XII. It provides that no person shall be deprived of his property except by authority of law. Thus, the right to property still remains a legal right or a constitutional right, though no longer a fundamental right. It is not a part of the basic structure of the Constitution. Writs are issued by Supreme Court only for the violation of the Fundamental Rights not legal rights.

31. Ans. c

Explain - Exceptions to 'equality before law': The President of India and the Governor of States enjoy constitutional immunities. No member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or any committee. The foreign sovereigns (rulers), ambassadors and diplomats enjoy immunity from criminal and civil proceedings. The UNO and its agencies enjoy the diplomatic immunity.

32. Ans. d

33. Ans. b

Explain - No money can be withdrawn from the Consolidated Fund of India without the parliament's approval.

34. Ans. a

35. Ans. a

36. Ans. c

Explain - The Vice President is the ex-officio Chairman of the Council of States. The Vice President shall take



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over the duties of the President until a new President is elected and resumes office. When the Vice President acts as, or discharges the functions of the President, he or she immediately ceases to perform the normal functions of being the Chairman of the Council of States.

37. Ans. a

Explain - DPSPs added by Amendments of Constitution 42nd Amendment 1976- Four Directive Principles were added by 42nd amendment as follows: To secure opportunities for healthy development of children (Article 39). To promote equal justice and to provide free legal aid to the poor (Article 39 A). To take steps to secure the participation of workers in the management of industries (Article 43 A). To protect and improve the environment and to safeguard forests and wild life (Article 48 A). The 44th Amendment Act of 1978 added article 38(2) which said that state shall, in particular, strive to minimize the inequalities in income, and endeavor to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations. 97th amendment 2011 Article 43-B inserted by 97th amendment act in 2011 says that state shall endeavor to promote voluntary formation, autonomous functioning, democratic control and professional management of the co-operative societies.

38. Ans. d

Extra Information - Discretionary powers of the President includes-Suspensive veto: The President exercises this veto when he returns a bill (not money bill) for reconsideration of the parliament. (However if the bill is passed again by the Parliament with or without amendments and presented again to the President, it is obligatory for him to give his assent to the bill. Pocket veto: in this case, the President neither ratifies nor reject nor return the bill, but simply keeps the bill pending for an indefinite period as the time limit within which the President has to take the decision with respect to a bill presented to him for assent, has not been mentioned in the constitution. Under the established convention, the President has the right to warn or encourage the Council of Minister (CoM) in the exercise of its power. Under A85 if the CoM do not properly advise the President in summoning the session of the parliament in such a way that not more than six months lapse between two session, then the President can summon the session of the Parliament in his discretion. A caretaker government does not enjoy majority in Lok Sabha and hence it is not expected to take major decisions but only to make day-to-day administrative decision.

39. Ans. a

Explain - In the Kesavananda Bharati case (1973), the

Supreme Court held that Preamble is a part of the Constitution and it can be amended, subject to the condition that no amendment is done to the 'basic features'. The Preamble has been amended only once so far, in 1976, by the 42nd Constitutional Amendment Act, which has added three new words-Socialist, Secular and Integrity-to the Preamble. The Preamble is neither a source of power to legislature nor a prohibition upon the powers of legislature. It is non-justiciable, that is, its provisions are not enforceable in courts of law.

40. Ans. c

Explain - The immunity granted is against the testimonial compulsion such as polygraph and brain fingerprinting test.

41. Ans. a

Explain - The Speaker holds office from the date of her election till immediately before the first meeting of the Lok Sabha after the dissolution of the one to which she was elected. She is eligible for re-election. On the dissolution of the Lok Sabha, although the Speaker ceases to be a member of the House, she does not vacate her office. The Speaker may, at any time, resign from office by writing under her hand to the Deputy Speaker. The Speaker can be removed from office only on a resolution of the House passed by a majority of all the then members of the House. Such a resolution has to satisfy some conditions like: it should be specific with respect to the charges and it should not contain arguments, inferences, ironical expressions, imputations or defamatory statements, etc. Not only should these discussions be confined to charges referred to in the resolution. It is also mandatory to give a minimum of 14 days' notice of the intention to move the resolution.

42. Ans. d

Explain - Thus special provisions for children find place in our constitution in Fundamental Rights, Directive Principles as well as Fundamental Duties. Article 21A: The Right to Education inserted in constitution via 86th Amendment Act. Article 24: No child below the age of 14 years shall be employed to work in any factory or mine or engaged in hazardous employment. Article 39 (f): The State shall, in particular, direct its policy towards securing - (f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment. Article 45: The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years. Article 51A (k): who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of



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six and fourteen years.

43. Ans. d

Related Information - Accounts of stores and stock kept in Government offices or departments; Corporations established by or under laws made by Parliament in accordance with the provisions of the respective legislation; Authorities and bodies substantially financed from the Consolidated Funds of the Union and State Governments; Anybody or authority even though not substantially financed from the Consolidated Fund, the audit of which may be entrusted to the C&AG and Entrusted audits e.g. those of Panchayati Raj Institutions and Urban Local Bodies under Technical Guidance & Support (TGS).

44. Ans. a

Explan - He has the right to speak and take part in proceedings of both the houses of parliament including joint sittings. Attorney General is not a full time Government servant. He is an advocate of the government and is allowed to take up private practice, provided the other party is not the state. Further, he cannot defend the accused persons in criminal matters without permission of the government.

45. Ans. b

Explan - Once left office, CAG is not eligible for a Government of India or Government of State jobs. Salary and other conditions of work to be defined by a Law enacted by the Parliament. Salary specified in second schedule. Expenses and salary drawn upon Consolidated Fund of India.

46. Ans. b

Explan - The Preamble declares that fraternity has to assure two things - the dignity of the individual and the unity and integrity of the nation. The word 'integrity' has been added to the preamble by the 42nd Constitutional Amendment.

47. Ans. d

Explan - Article 33 empowers the Parliament to restrict or abrogate the fundamental rights of the members of armed forces, paramilitary forces, police forces, intelligence agencies and analogous forces. The expression 'members of the armed forces' also covers such employees of the armed forces as barbers, carpenters, mechanics, cooks, chowkidars, boot makers, tailors who are non-combatants.

48. Ans. c

Explan - The Constitution seeks to ensure the independence of Supreme Court Judges in various ways. A Judge of the Supreme Court cannot be removed from office except by an order of the President passed after an address in each House of Parliament supported by a majority of the total membership of that House and by a majority of not less than two-thirds of members present and voting, and presented to the President in the same Session for such removal on the ground of proved misbehavior or incapacity. A person who has been a Judge of the Supreme Court is debarred from practicing in any court of law or before any other authority in India. The proceedings of the Supreme Court are conducted in English only. Supreme Court Rules, 1966 are framed under Article 145 of the Constitution to regulate the practice and procedure of the Supreme Court.

49. Ans. d

Explan - The Citizenship Act (1955) provides for acquisition and loss of citizenship after the commencement of the Constitution. Originally, the Citizenship Act (1955) also provided for the Commonwealth Citizenship. But, this provision was repealed by the Citizenship (Amendment) Act, 2003. The Citizenship Act of 1955 prescribes five ways of acquiring citizenship - birth, descent, registration, naturalization and incorporation of territory.

50. Ans. d



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