

FACT SHEET- PREP SERIES - 4 PRE - 2016

Prep Series : Part -4

ANSWERS

POLITY

by



1 Ans. d

Explain - In 2010, a constitutional bench of the Supreme Court interpreted these provisions and laid down some binding principles (B.P. Singhal v. Union of India). The Supreme Court held:

The President, in effect the central government, has the power to remove a Governor at any time without giving him or her any reason, and without granting an opportunity to be heard.

However, this power cannot be exercised in an arbitrary, capricious or unreasonable manner. The power of removing Governors should only be exercised in rare and exceptional circumstances for valid and compelling reasons.

The mere reason that a Governor is at variance with the policies and ideologies of the central government, or that the central government has lost confidence in him or her, is not sufficient to remove a Governor. Thus, a change in central government cannot be a ground for removal of Governors, or to appoint more favourable persons to this post.

A decision to remove a Governor can be challenged in a court of law. In such cases, first

the petitioner will have to make a prima facie case of arbitrariness or bad faith on part of the central government. If a prima facie case is established, the court can require the central government to produce the materials on the basis of which the decision was made in order to verify the presence of compelling reasons.

In summary, this means that the central government enjoys the power to remove Governors of the different states, as long as it does not act arbitrarily, without reason, or in bad faith.

2. Ans. d

Explain - The post of Leader of Opposition received statutory recognition through the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977 which defines the term "Leader of the Opposition" as that member of the Lok Sabha or the Rajya Sabha who, for the time being, is the Leader of that House of the Party in Opposition to the Government having the greatest numerical strength and recognized, as such, by the Chairman of the Rajya Sabha or the Speaker of the Lok Sabha.

However, in order to get formal recognition, the concerned party must have at least 10% of the



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total strength of the House (55 seats in the Lok Sabha). If any party fails to get 10% seats in opposition, the House will not have recognized leader of the opposition. A single party has to meet the 10%.

They gets same salaries and allowances that are equivalent to a Cabinet minister – paid by the government.

Only the Lok Sabha does not have the Leader of Opposition while the Rajya Sabha does have it.

3. Ans. c

Explan - National Judicial Appointments Commission (NJAC) is a proposed body responsible for the appointment and transfer of judges to the higher judiciary in India. The Commission is established by amending the Constitution of India through the ninety-ninth constitution amendment vide the Constitution (Ninety-Ninth Amendment) Act, 2014 passed by the Lok Sabha on 13 August 2014 and by the Rajya Sabha on 14 August 2014. The NJAC Act and the Constitutional Amendment Act came into force from 13 April 2015. Constitution bench is the name given to the benches of the Supreme Court of India which consist of at least five judges of the court which sit to decide any case “involving a substantial question of law as to the interpretation” of the Constitution of India. This provision has been mandated by Article 145 (3) of the Constitution of India. The Chief Justice of India has the power to constitute a Constitution Bench and refer cases to it.

4. Ans. b

Explan - The National Commission for Protection of Child Rights (NCPCR) was set up in March 2007 under the Commission for Protection of Child Rights Act, 2005, an Act of Parliament (December 2005).

5. Ans. b

Explan - The Finance Bill which deals with the taxation measures proposed by Government is introduced immediately after the presentation of Budget. It is accompanied by a memorandum explaining the provisions of the Bill and their effect on the finances of the country.

The government proposals for the levy of new taxes, alterations in the present tax structure or continuance of the current tax structure beyond the period approved by Parliament, are laid down before Parliament in this bill.

The Parliament approves the Finance Bill for a period of one year at a time, which becomes the Finance Act.

Finance Bill is taken up for consideration and passing after the Appropriation Bill is passed.

Parliament has to pass the Finance Bill within 75 days of its introduction.

As the Finance Bill contains taxation proposals, it is considered and passed by the Lok Sabha only after the Demands for Grants have been voted and the total expenditure is known.

The procedure in respect of Finance Bill is the same as in the case of other Money Bills.

6. Ans. b

Explan - May Day, also known as Labour Day, was celebrated on 1st May.

It corresponds to the International Workers' Day that is celebrated in many countries around the world proclaiming the international labour movement.

Brief History:

The history of May/Labour Day goes back to 1886 in Chicago, USA, when a gathering of people during a general strike for the eight-hour workday became violent. A bomb was thrown into the crowd, police began to shoot and dozens of people were killed or injured.

Over the next few years, an international movement began with demonstrations and riots occurring each year on May Day. In 1904, the International Socialist Conference met in Amsterdam and called on “all Social Democratic Party organizations and trade unions of all countries to demonstrate energetically on May First for the legal establishment of the eight-hour day, for the class demands of the proletariat, and for universal peace.”

In India, the first Labour Day, or May Day, was celebrated in 1923 in Chennai.

1st May is also celebrated as Maharashtra Day and Gujarat Day to mark the date in 1960, when the two western states attained statehood after the erstwhile Bombay State was divided on linguistic lines.

7. Ans. a

Explan - 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.

8. Ans. b

Explan - Union Health Minister said the government would institutionalize a regulatory authority with full powers to oversee enforcement of all-round quality standards and consumer protection under the National Health Assurance Mission (NHAM).

National Health Assurance Mission:

National Health Assurance Mission is aimed at reducing the out of pocket spending on health care by the common man and building a robust healthcare support system for the poor.

Public Health being a State subject, the Central Government has been supplementing the efforts of the States/UTs under the National Rural Health Mission (NRHM) to provide accessible, affordable and quality healthcare to the rural population. In 2013, the National Health Mission (NHM) was approved subsuming NRHM and the National Urban Health Mission (NUHM) as its Sub-Missions with the vision of attainment of universal access to equitable, affordable and quality health care services to all the population. Under NHM, financial support is being provided to States/UTs for strengthening their health care systems including support for provision of the following services free of cost to all those who access these services in public health facilities:

- Universal Immunization of children against 7 diseases,
- Pulse Polio Immunization,
- Family Planning services,
- Maternal and Reproductive Health Services,
- Child Health services that include both Home Based and facility based New born Care,
- Adolescent Reproductive and Sexual Health (ARSH) services,
- Investigation and treatment for Malaria, Kalaazar, Filariasis, Dengue, JE and Chikungunya,

Detection and treatment for Tuberculosis including MDR-TB,

Detection and treatment for Leprosy,

Detection, treatment and counseling for HIV/AIDS.

Non-Communicable diseases services,

Cataract surgery for Blindness control- over 6 million free cataract surgeries done every year, Cornea transplant, Glaucoma/ Diabetic Retinopathy, Spectacles to poor children.

9. Ans. a

Explan - Section 66A defines the punishment for sending "offensive" messages through a computer or any other communication device like a mobile phone or a tablet. A conviction can fetch a maximum of three years in jail and a fine.

These messages may be any information created, transmitted or received on a computer system, resource or device including attachments in the form of Text, Images. Audio and Video.

Freedom of Speech and Expression is subject to reasonable restrictions under Art. 19 (2).

10. Ans. c

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

11. Ans. a

Explan - 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.

12. Ans. d

Explan - Universal and inalienable: The principle of universality of human rights is the cornerstone of international human rights law. This principle, as first emphasized in the Universal Declaration on Human Rights in 1948, has been reiterated in numerous international human rights conventions, declarations, and resolutions. The 1993 Vienna World Conference on Human Rights, for example, noted that it is the duty of States to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems.

All States have ratified at least one, and 80% of States have ratified four or more, of the core human rights treaties, reflecting consent of States which creates legal obligations for them and giving concrete expression to universality. Some fundamental human rights norms enjoy universal protection by customary international law across all boundaries and civilizations.

Human rights are inalienable. They should not be taken away, except in specific situations and according to due process. For example, the right to liberty may be restricted if a person is found guilty of a crime by a court of law.

Interdependent and indivisible: All human rights are indivisible, whether they are civil and political rights, such as the right to life, equality before the law and freedom of expression; economic, social and cultural rights, such as the rights to work, social security and education, or collective rights, such as the rights to development and self-determination, are indivisible, interrelated and interdependent. The improvement of one right facilitates advancement of the others. Likewise, the deprivation of one right adversely affects the others.

Equal and non-discriminatory: Non-discrimination is a cross-cutting principle in international human rights law. The principle is present in all the major human rights treaties and provides the central theme of some of international human rights conventions such as the International Convention on the Elimination of All Forms of Racial Discrimination and the

Convention on the Elimination of All Forms of Discrimination against Women.

The principle applies to everyone in relation to all human rights and freedoms and it prohibits discrimination on the basis of a list of non-exhaustive categories such as sex, race, colour and so on. The principle of non-discrimination is complemented by the principle of equality, as stated in Article 1 of the Universal Declaration of Human Rights: "All human beings are born free and equal in dignity and rights."

Both Rights and Obligations: Human rights entail both rights and obligations. States assume obligations and duties under international law to respect, to protect and to fulfil human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights. At the individual level, while we are entitled our human rights, we should also respect the human rights of others.

13. Ans. b

Explan - Special status is guaranteed by the Constitution of India through an Act passed by the two-third majority in both houses of the Parliament, as in the case of Jammu and Kashmir, whereas Special Category Status is granted by the National Development Council, an administrative body of the government. While Special Status empowers legislative and political rights, Special Category Status deals only with economic, administrative and financial aspects.

At present there are 11 States that enjoy Special Status and Special Category Status: Arunachal Pradesh, Assam, Himachal Pradesh, Jammu and Kashmir, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura and Uttarakhand.

The NDC bestows Special Category Status based on certain parameters such as low resource base, hilly and difficult terrain, low population density or sizeable share of tribal population and strategic (hostile) location, in which case neither



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Seemandhra nor Telangana qualifies. Bihar's repeated plea for Special Category Status was rejected on the ground of backwardness, said Mr. Jayakar. The business community seems to be accepting the status as it would empower the State to get central aid up to 90 per cent.

In 1969, when the Gadgil formula for sharing Plan assistance among states was devised, three states were labelled special-category, to bring those on a par with the development levels of other states. Gradually, this number grew to 11 - the seven Northeastern states, Sikkim, Uttarakhand, J&K and Himachal Pradesh.

These states are given a higher share in the Union government's resource allocation, due to harsh terrain, backwardness and other social problems. All these happen to be Border States. Now, Bihar also wants get this status.

Special-category states get significant excise duty concessions that attract industries to relocate/locate manufacturing units within their territory. This has been a sore point with neighbouring general-category states. Also, 30 per cent of the Centre's gross budgetary support for Plan expenditure goes to special- category states.

For special-category states, 90% of Plan assistance is given as grants, and 10% as loans. The 12th Finance Commission recommended the Centre give only grants, and leave it to the states to raise loans. Since then, this formula is restricted to Centrally-sponsored schemes and external aid Chhattisgarh, Jharkhand, Odisha and Rajasthan have also been demanding special category status for a decade

14. Ans. a

Explan - A political party shall be eligible to be recognised as a National party if it secures at least six percent (6%) of the valid votes polled in any four or more states, at a general election to the House of the People or, to the State Legislative Assembly; and in addition, it wins at least four seats in the House of the People from any State or States. OR it wins at least two percent (2%) seats in the House of the People (i.e., 11 seats in the existing House having 543 members), and these members are elected from at least three different States.

Likewise, a political party shall be entitled to be recognised as a State party, if it secures at least six percent (6%) of the valid votes polled in the State at a general election, either to the House of

the People or to the Legislative Assembly of the State concerned; and in addition, it wins at least two seats in the Legislative Assembly of the State concerned. OR it wins at least three percent (3%) of the total number of seats in the Legislative Assembly of the State, or at least three seats in the Assembly, whichever is more.

15. Ans. a

Explan - Foreigners are not entitled to enjoy the rights like..

Article 15

Article 16

Article 19

Article 29 - Protection of language, script and culture of minorities,

Article 30 - Right of minorities to establish and administer educational institutions

16. Ans. c

Explan - The essential conditions to file to request the court issue Mandamas writ are:

The person must have a real or special interest in the subject matter.

The person must have specific legal right.

No other equally effective remedy is there.

17. Ans. b

Explan - Delhi has the power to make laws on all matters in the State List and the Concurrent List in the VIIth Schedule of the Constitution, except entries related to public order, police and land.

Delhi is a peculiar case, neither being a State, nor a Union Territory. So, Article 239, which deals with Union Territories, does not apply to Delhi. Instead, Delhi is governed by Articles 239AA and 239AB, introduced by a constitutional amendment in 1991.

18. Ans. a

Explan - The Gujarat Local Authorities Laws (Amendment) Act, 2009 received the Governor's assent. The Act introduces an 'obligation to vote' at the municipal corporation, municipality and Panchayat levels in the state of Gujarat. To this end, the Act amends three laws related to administration at the local bodies- the Bombay Provincial Municipal Corporation Act, 1949; the Gujarat Municipalities Act, 1963 and; the Gujarat Panchayats Act, 1993.



Following the amendments, it shall now be the duty of a qualified voter to cast his vote at elections to each of these bodies. This includes the right to exercise the NOTA option. The Act empowers an election officer to serve a voter notice on the grounds that he appears to have failed to vote at the election. The voter is then required to provide sufficient reasons within a period of one month, failing which he is declared as a “defaulter voter” by an order. The defaulter voter has the option of challenging this order before a designated appellate officer, whose decision will be final.

At this stage, it is unclear what the consequences for being a default voter may be, as the penalties for the same are to be prescribed in the Rules. Typically, any disadvantage or penalty to be suffered by an individual for violating a provision of law is prescribed in the parent act itself, and not left to delegated legislation. The Act carves out exemptions for certain individuals from voting if (i) he is rendered physically incapable due to illness etc.; (ii) he is not present in the state of Gujarat on the date of election; or (iii) for any other reasons to be laid down in the Rules.

19. Ans. a

Explan - The Forty-second Amendment, which came into force in January 1977, attempted to raise the status of the Directive Principles by stating that no law implementing any of the Directive Principles could be declared unconstitutional on the grounds that it violated any of the Fundamental Rights.

20. Ans. c

Explan - 1. Familiarity with the System

The Constitution-makers were somewhat familiar with the parliamentary system as it had been in operation in India during the British rule. K M Munshi argued that, for the last thirty or forty years, some kind of responsibility has been introduced in the governance of this country. Our constitutional traditions have become Parliamentary. After this experience, why should we go back and buy a novel experiences.

2. Preference to More Responsibility

Dr B R Ambedkar pointed out in the Constituent Assembly that ‘a democratic executive must satisfy two conditions: stability and responsibility. Unfortunately, it has not been possible so far to devise a system which can ensure both in equal degree. The American system gives more stability

but less responsibility. The British system, on the other hand, gives more responsibility but less stability. The Draft Constitution in recommending the parliamentary system of Executive has preferred more responsibility to more stability:

3. Need to Avoid Legislative-Executive Conflicts

The framers of the Constitution wanted to avoid the conflicts between the legislature and the executive which are bound to occur in the presidential system prevalent in USA. They thought that an infant democracy could not afford to take the risk of a perpetual cleavage, feud or conflict or threatened conflict between these two organs of the government. They wanted a form of government that would be conducive to the manifold development of the country.

4. Nature of Indian Society

India is one of the most heterogeneous States and most complex plural societies in the world. Hence, the Constitution-makers adopted the parliamentary- system as it offers greater scope for giving representation to various section, interests and regions in the government. This promotes a national spirit among the people and builds a united India. Whether the parliamentary system should be continued or should be replaced by the presidential system has been a point of discussion and debate in our country since the 1970s. This matter was considered in detail by the Swaran Singh Committee appointed by the Congress government in 1975. The committee opined that the parliamentary system has been doing well and hence, there is no need to replace it by the presidential system.

21. Ans. c

22. Ans. a

Explan - The President declares national emergency based on the official request from the Prime Minister and the Council of Ministers. The state of emergency expires after a month unless it's approved by the Parliament within that stipulated timeframe. According to Article 352(6), the majority of both the houses are needed to approve emergency. The emergency period can be extended indefinitely by passing resolutions every six months.

During a national emergency, several Fundamental Rights are suspended along with the Right to Freedom. However, citizens are allowed to enjoy their Right to Life and Personal Liberty. When national emergency is imposed in the

country, a unitary form of governance comes into effect with Parliament wielding the power to establish laws mentioned in the State List. Moreover, the state money bills are referred to the Parliament for its approval. During national emergency, the term of the Lok Sabha can be extended for up to one year.

23. Ans. c

Explan - The Article 360 of the Indian Constitution has the provision for imposing financial emergency when the President is convinced that the economy is vulnerable and the financial stability of the country is under threat. The Parliament has to approve financial emergency within two months. Such emergency remains enforced till it is revoked by the President.

During financial emergency, the President gives directions to the state to adopt certain economic measures as he may deem necessary and adequate. He can reduce the salaries of all government officials, including judges of the Supreme Court and High Courts. The President has to approve all money bills passed by the State legislatures. Although India has witnessed economic volatility in the past, financial emergency was never imposed. The country had bailed itself out by putting its gold assets as collateral for foreign credit.

24. Ans. c

25. Ans. a

Explan - A notified area committee is created for the administration of two types of areas—a fast developing town due to industrialisation and a town which does not yet fulfill all the conditions necessary for the constitution of a municipality, but which otherwise are considered important by the state government. Its powers are almost equivalent to those of a municipality. But unlike the municipality, it is an entirely nominated body, that is, all the members of a notified area committee including the chairman are nominated by the state government. Thus, it is neither an elected body nor a statutory body.

In urban planning, a Notified area is any land area earmarked by legal provision for future development. The term is used in the Hindi belt region of North India.

The term also describes a village or settlement with a population between 10,000 and 20,000. A community of over 20,000 is considered a town

under Indian law. Each notified area elects a notified area committee for its administration where all members as well as the chairman are nominated by the state government, which function like municipality. There have been various recommendations asking to stop such centralization in the state govt. hands by setting up these areas when they should actually be under the PRIs.

26. Ans. a

Explan - Bills which exclusively contain provisions for imposition and abolition of taxes, for appropriation of moneys out of the Consolidated Fund, etc., are certified as Money Bills. Money Bills can be introduced only in Lok Sabha. Rajya Sabha cannot make amendments in a Money Bill passed by Lok Sabha and transmitted to it. It can, however, recommend amendments in a Money Bill, but must return all Money Bills to Lok Sabha within fourteen days from the date of their receipt. It is open to Lok Sabha to accept or reject any or all of the recommendations of Rajya Sabha with regard to a Money Bill.

27. Ans. d

Explan - The legislative assembly of Delhi can make laws on all the matters of the State List and the Concurrent List except the three matters of the State List, that is, public order, police and land. Therefore, critics have often called Delhi no more than a senior municipality.

28. Ans. d

Explan - A rigid constitution would be difficult to get amended by the central government alone it would require the support of states. Thus it is a part of federal feature. Similarly supremacy of the constitution protects the powers of states enhancing the federal feature. The rest two – single citizenship and all-India services are unitary feature as it increases the power of the centre.

29. Ans. d

Explan - As per Article 368, procedure for amendment of the Constitution- An amendment to the Constitution can be initiated only in the Parliament and not in State legislature. The bill can be introduced either by a minister or by a private member and does not require prior permission of the president; it can be introduced in either House of the Parliament – both Lok Sabha and Rajya Sabha have equal rights.



In India all constitutional amendments can be generally effectuated by a Special Majority, i.e., it must be passed by both the houses, with more than 50% of total number of members along with two thirds of members present and voting.

30. Ans. a

31. Ans. c

32. Ans. a

Explan - Article 15 provides that the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth. Article 39(d) – equal pay for equal work for men and women; Article 42 – To make provision for just and humane conditions for work and maternity relief. Article 123 is related with ordinance making power of President and hence do not have any relation to rights of women.

33. Ans. a

34. Ans. d

Explan - The 52nd amendment to the Constitution added the Tenth Schedule which laid down the process by which legislators may be disqualified on grounds of defection.

A nominated member of Lok Sabha becomes disqualified if he joins any party after 6 months from the date on which he take his seat. If he joins before 6 months, then not disqualified, an independent member of Lok Sabha becomes disqualified if he joins any party anytime.

35. Ans. c

Explan - Article 169: Abolition or creation of Legislative Councils in States.

- (1) Not with standing anything in article 168, 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.
- (2) Any law referred to in clause (1) shall contain such provisions for the amendment of this Constitution as may be necessary to give effect to the provisions of the law and may also contain such supplemental, incidental and consequential provisions as Parliament may deem necessary.

- (3) No such law as aforesaid shall be deemed to be an amendment of this Constitution for the purposes of article 368.

36. Ans. a

Explan - Final step towards centralization in the British India was accomplished under Charter Act of 1833. Statutory recognition to the portfolio system was provided under Indian Councils Act of 1861

37. Ans. a

Explan - Article 213 deals with the Ordinance making power of the Governor of a state. However, the Governor cannot issue an Ordinance without instructions from the President in three cases where the assent of the President would have been required to pass a similar Bill i.e. (a) if a Bill containing the same provisions would have required the previous sanction of the President for introduction into the legislature; (b) if the Governor would have deemed it necessary to reserve a Bill containing the same provisions for the consideration of the President; and (c) if an Act of the legislature containing the same provisions would have been invalid unless it received the assent of the President.

38. Ans. c

39. Ans. d

Explan - Article 116: Votes on account, votes of credit and exceptional grants.

- (1) Notwithstanding anything in the foregoing provisions of this Chapter, the House of the People shall have power –
 - (a) To make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in article 113 for the voting of such grant and the passing of the law in accordance with the provisions of article 114 in relation to that expenditure;
 - (b) To make a grant for meeting an unexpected demand upon the resources of India when on account of the magnitude or the indefinite character of the service the demand cannot be stated with the details ordinarily given in an annual financial statement;
 - (c) To make an exceptional grant which forms no part of the current service of any financial year, and Parliament shall have power to authorize by law the withdrawal of moneys from the Consolidated Fund of India for

the purposes for which the said grants are made.

40. Ans. d

Explan - Committee on Estimates: This Committee consists of 30 members who are elected by the Lok Sabha every year from among its members. A Minister is not eligible for election to this Committee.

The Committee on Public Undertakings: It consists of 15 members elected by the Lok Sabha and 7 members of Rajya Sabha. A Minister is not eligible for election to this Committee.

41. Ans. a

Explan - Every Governor and every person discharging the functions of the Governor shall, before entering upon his office, make and subscribe in the presence of the Chief Justice of the High Court exercising jurisdiction in relation to the State, or, in his absence, the senior most Judge of that Court available, an oath or affirmation.

42. Ans. c

43. Ans. c

Explan - Both, the National Commission for SCs and National Commission for STs are Constitutional bodies as they are directly established under Article 338 and Article 338-A respectively, of the Constitution of India. Remember: Article 338 for National Commission for SCs and Article 338-A for National Commission for STs.

Originally, the Constitution of India did not contain the provision for establishing a National Commission for SCs and National Commission for STs. Instead it provided for the appointment of a Special officer for Scheduled Castes (SCs) and Scheduled tribes (STs). He was called as Commissioner for SCs and STs.

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.

In 1987, Government passed another resolution. In this, the functions of the commission were modified and the commission was renamed as National Commission for SCs and STs.

Finally In 1990, the Constitution was amended by 65th Constitutional Amendment Act of 1990.

This Act provided for the establishment of multi-member National Commission for SCs and STs. It replaces all the earlier mentioned bodies and became the sole constitutional body dealing with safeguarding the constitutional rights of SCs and STs.

Then in 2003, under the 89th constitutional Amendment of 2003, the bifurcation of the National commission for SCs and STs took place. The National Commission for Scheduled Castes (SCs) and the National Commission for Scheduled Tribes (STs) were made into two separate bodies. The National Commission for Scheduled Castes (SCs) was put under Article 338 and the National Commission for Scheduled Tribes (STs) was put under Article 338-A.

There are 5 members in the National Commission for SCs. 1 Chairperson, 1 vice- chairperson and 3 other members. All of them are appointed by the President of India. Conditions of service and tenure are NOT fixed by the Constitution of India. It is decided by the President.

There are 5 members in the National Commission for STs. 1 Chairperson, 1 vice- chairperson and 3 other members. All of them are appointed by the President of India. Conditions of service and tenure are NOT fixed by the Constitution of India. It is decided by the President.

Functions of National Commission for Scheduled Castes (SCs):

To investigate and monitor all the matters related to constitutional and legal safeguards for SCs.

To inquire any specific complaint related to rights of Scheduled Castes (SCs).

To participate in the planning process for development of Scheduled Castes (SCs) under Union or State.

To present an Annual Report to the President on the working of constitutional safeguard for SCs. It can also submit the report whenever it thinks, is necessary.

To recommend the Union or any State for the effective implementation of constitutional safeguards for Scheduled castes (SCs).

All other functions related to SCs as the President may ask. Also, The National Commission for SCs has to carry out the similar functions for Other Backward Classes (OBCs) and the Anglo-Indian Community as it does for Scheduled Castes (SCs).



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Functions of National Commission for Scheduled Tribes (STs): To investigate and monitor all the matters related to constitutional and legal safeguards for Scheduled Tribes (STs).

To inquire any specific complaint related to rights of Scheduled Tribes (STs).

To participate in the planning process for the development of Scheduled Tribes (STs) under Union or State.

To present an Annual Report to the President on the working of constitutional safeguards for STs. It can also submit the report whenever it thinks, is necessary.

To recommend the Union or any State for the effective implementation of constitutional safeguards for Scheduled Tribes (STs).

All other functions related to STs as the President may ask.

Reports of the Commissions:

The President lays out all the reports received from the National Commission for Scheduled Castes (SCs) and the National Commission for Scheduled Tribes (STs) in the parliament.

The President also forwards any report related to a particular state to the State Governor. The Governor then lays out the report in the State legislature.

Powers of the National Commission for Scheduled Castes (SCs) and the National Commission for Scheduled Tribes (STs):

Both the National Commission for SC as well as National Commission for ST, have all the powers of a CIVIL COURT, while investigating any matter.

They can summon any person from any part of India and examine him. They can ask for the production of any document related to the matter of inquiry.

They can receive evidence on affidavits. They can check any public record from any court or office.

44. Ans. c

Explan - The Finance Bill which deals with the taxation measures proposed by Government is introduced immediately after the presentation of Budget. It is accompanied by a memorandum explaining the provisions of the Bill and their effect on the finances of the country.

The government proposals for the levy of new taxes, alterations in the present tax structure or

continuance of the current tax structure beyond the period approved by Parliament, are laid down before Parliament in this bill.

The Parliament approves the Finance Bill for a period of one year at a time, which becomes the Finance Act.

Finance Bill is taken up for consideration and passing after the Appropriation Bill is passed.

Parliament has to pass the Finance Bill within 75 days of its introduction.

As the Finance Bill contains taxation proposals, it is considered and passed by the Lok Sabha only after the Demands for Grants have been voted and the total expenditure is known.

The procedure in respect of Finance Bill is the same as in the case of other Money Bills.

45. Ans. c

Explan - 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.

46. Ans. d

47. Ans. a

48. Ans. b

49. Ans. b

50. Ans. c



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