U. G. SYLLABUS - NEP 2020

Political Science

FYUG (NEP) 1st Semester

PLS: DSC 102: INDIAN GOVERNMENT & POLITICS

UNIT-1

Making of the Indian Constitution, Salient Features and Philosophy of the Constitution. Fundamental Rights and Duties, Directive Principles of State Policy.

UNIT-2

Federalism: Nature of Federalism, Union-State Relations, Sarkaria Commission and Punchhi Commission.

UNIT-3

The Executive: President- Election, Impeachment Procedure, Powers and Functions. 9 Prime Minister- Appointment and Role and Functions. Union Council of Ministers- Composition, Powers and Functions.

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UNIT-4

The Legislature: Parliament- Composition, Powers and Functions, Relations between the Lok Sabha and the Rajya Sabha. The Judiciary: The Supreme Court- Composition and Jurisdiction, Judicial Review and Judicial Activism.

UNIT-5

Political Institutions at the Local Level: Panchayati Raj Institution and Urban Local Bodies. Discussion on 6th Schedule with reference to Administration of Dima Hasao and Karbi Anglong districts of Assam.

UNIT-1

Making of the Indian Constitution, Salient Features and Philosophy of the Constitution. Fundamental Rights and Duties, Directive Principles of State Policy.

2-4 Marks

1. **Who was the Chairman of the Drafting Committee of the Indian Constitution?**

   Ans:- Dr. B.R. Ambedkar was the Chairman of the Drafting Committee of the Indian Constitution.

2. **When was the Constitution of India adopted and when did it come into effect?**

   Ans:- The Constitution of India was adopted on November 26, 1949, and it came into effect on January 26, 1950.

3. **Name any two sources from which the Indian Constitution has borrowed provisions.**

- **Ans:-** United Kingdom (British Constitution): parliamentary system, rule of law, and single citizenship
- United States of America: fundamental rights and independence of the judiciary.

4. **Mention any two salient features of the Indian Constitution.**

- **Ans:-** It is the lengthiest written constitution in the world.
- It establishes a federal system with a strong central government**.**

5. **What is meant by the term "Secularism" in the Indian Constitution?**

   Ans:- Secularism means that the State has no official religion and treats all religions equally, ensuring religious freedom and non-discrimination for all its citizens.

6. **What is the philosophy behind the Preamble of the Indian Constitution?**

Ans:- The Preamble embodies the philosophy of justice (social, economic, and political), liberty, equality, and fraternity, and declares India as a sovereign, socialist, secular, and democratic republic.

7. **Mention any two Fundamental Rights guaranteed by the Indian Constitution.**

- **Ans:-** Right to Equality (Articles 14-18)
- Right to Freedom (Articles 19-22)

8. **Name any two Fundamental Duties of Indian citizens.**

- **Ans:-** To abide by the Constitution and respect its ideals and institutions, the national flag, and the national anthem
- To promote harmony and the spirit of common brotherhood amongst all the people of India.

9. **Which Fundamental Right is described as the "heart and soul" of the Constitution by Dr. B.R. Ambedkar?**

Ans:- The Right to Constitutional Remedies (Article 32) is described as the "heart and soul" of the Constitution by Dr. B.R. Ambedkar.

10. **Mention any two Directive Principles of State Policy included in the Constitution.**

- **Ans:-** Provision of adequate means of livelihood for all citizens
- Promoting the welfare of people by securing a social order permeated by justice—social, economic, and political.

8-10 marks

1. **Discuss the composition and role of the Constituent Assembly in the making of the Indian Constitution.**

Ans:- The Constituent Assembly of India was a specially constituted body responsible for drafting the Constitution of independent India. It first met on December 9, 1946, at the Constitution Hall in New Delhi. The Assembly

was formed following the Cabinet Mission Plan of 1946, with members elected indirectly by the members of the Provincial Legislative Assemblies of British India, and some members nominated by princely states. Initially, it had about 389 members, with 292 elected from British Indian provinces, 93 nominated by princely states, and 4 members from Chief Commissioner provinces. After the partition, some members from areas that became Pakistan withdrew, reducing the Assembly's strength to around 299 members.

The composition of the Assembly was diverse, representing various regions, communities, and political groups across the country. Key figures included Jawaharlal Nehru, Sardar Vallabhbhai Patel, Dr. B.R. Ambedkar, Maulana Abul Kalam Azad, and many others who played pivotal roles. The Assembly included representatives from different religions, castes, and languages, reflecting the pluralistic nature of India. The membership was chosen through a system of proportional representation by single transferable vote, ensuring representation from different communities like Hindus, Muslims, Sikhs, and others.

The Assembly functioned as a constituent body and also as a provisional legislative body after independence until the Constitution came into effect on January 26, 1950. It appointed various committees to focus on specific aspects of the Constitution. Among the most notable was the Drafting Committee chaired by Dr. B.R. Ambedkar, which was responsible for preparing the draft constitution. Others included the Union Powers Committee, Fundamental Rights Committee, and State Committees, working meticulously to address different facets of governance, rights, and justice.

The role of the Constituent Assembly was crucial in shaping the democratic and federal structure of India. It debated and finalized important principles such as fundamental rights, directive principles, the structure of government, judiciary independence, and the relationship between the Centre and states. The Assembly took nearly three years to complete this monumental task, holding 11 sessions over 165 days, with great deliberation, compromises, and vision for the future of India.

The Constituent Assembly was a representative and inclusive body that laid the foundation of India's constitutional democracy. It ensured that the Constitution was not just a legal document but a social contract reflecting the aspirations and complexities of Indian society. Its dedicated efforts resulted in a constitution that continues to guide India as the world's largest democracy.

2. **Explain the influence of the Government of India Act, 1935, and foreign constitutions on the Indian Constitution.**

Ans:- The Indian Constitution is a unique and comprehensive document that draws heavily from the Government of India Act, 1935, as well as various foreign constitutions. These influences helped shape key features of the Indian governance system, legal framework, and fundamental rights.

The Government of India Act, 1935, served as the primary structural basis for the Indian Constitution. It contributed the federal scheme, division of powers between the Centre and States, the office of the Governor, judiciary structure, public service commissions, emergency provisions, and administrative details. Many of these institutional frameworks and procedural systems were adapted and refined to suit independent India's needs. The Act was the longest and most detailed governing document India had experienced, making it a logical starting point for the Constituent Assembly.

Besides the Government of India Act, the Indian Constitution borrowed extensively from foreign constitutions. The United Kingdom's constitution inspired the parliamentary form of government, rule of law, cabinet system, bicameral legislature, and legislative procedure. From the United States, the Constitution adopted the concept of a written constitution, fundamental rights, judicial review, an independent judiciary, the impeachment process, and the position of Vice-President. Ireland's Constitution influenced the Directive Principles of State Policy, which guide state governance for social welfare. The Canadian Constitution contributed the federal structure with a strong centre, appointment of governors by the centre, and the advisory jurisdiction of the Supreme Court. Australia's Constitution inspired the concurrent list of subjects where both Centre and States can legislate. The

Soviet Constitution inspired the inclusion of fundamental duties and ideals of justice in the Preamble. Other influences include the French ideals of liberty, equality, and fraternity, and the German Weimar model of emergency provisions.

The Indian Constitution is a well-crafted document synthesizing the best elements of the Government of India Act, 1935, and the world's leading constitutional models. It blends parliamentary democracy, federalism, fundamental rights, directive principles, and judicial independence, tailored to Indian conditions and aspirations, creating a robust foundation for the world's largest democracy. This rich amalgamation enables the Constitution to remain dynamic and responsive to India's diverse and evolving needs.

3. **Describe any five salient features of the Indian Constitution that make it unique.**

Ans:- The Indian Constitution is considered unique across the world for several reasons. It is a comprehensive document that reflects India's diverse social, cultural, political, and geographical context, and balances various competing interests to establish a democratic, just, and inclusive framework.

One of the most salient features is that it is the lengthiest written constitution in the world. It contains detailed provisions not only on the structure of government but also on individual rights, duties, and socio-economic policies to ensure welfare and justice for all citizens. This length and detail accommodate the vast diversity and complexity of India.

Secondly, it adopts a blend of rigidity and flexibility in its amendment process. While some parts require special majorities and ratification by states, others can be amended by a simple legislative majority. This allows the Constitution to be stable yet adaptable to changing times and needs.

Third, the Indian Constitution establishes a federal system with a strong unitary bias. It creates dual government structures at the Centre and States with clearly demarcated powers. However, in times of emergency or crisis, power can centralize significantly to maintain unity and integrity, a feature suited to India's diversity and challenges.

Fourth, it follows a parliamentary form of government inspired by the British model, where the executive is responsible to the legislature. This system ensures cooperation, coordination, and accountability between the two organs of government.

Fifth, the Constitution guarantees fundamental rights to its citizens, enshrining civil liberties such as equality, freedom of speech, and religion, among others. These rights are justiciable and protect citizens against arbitrary state actions.

The Indian Constitution's uniqueness arises from its comprehensive scope, adaptability, balance between federalism and unity, democratic structure, and commitment to protecting fundamental rights. These features collectively create a robust framework to govern the world's largest democracy while respecting its pluralism and complexity.

4. **What is meant by the "Philosophy of the Constitution"? Explain it with reference to the Preamble.**

Ans:- The "Philosophy of the Constitution" refers to the underlying principles, values, and ideals that guide the creation, interpretation, and functioning of a constitution. It embodies the vision and aspirations of the people for whom the constitution is made, reflecting the social, political, and moral foundations upon which a nation's legal and governance framework is built. The philosophy shapes the direction of policies, the rights and duties of citizens, and the nature of governance.

In the case of the Indian Constitution, the philosophy is beautifully encapsulated in the Preamble, which serves as its introductory statement of purpose and ideals. The Preamble outlines the fundamental values that the Constitution seeks to establish and protect:

- Sovereign: India is independent and self-governing, free from external control.
- Socialist: The Constitution commits to reducing inequality and ensuring social and economic justice through equitable distribution of resources.

- Secular: The state treats all religions impartially and maintains a separation of religion from the affairs of the state.
- Democratic: Power is derived from the people, and governance is based on the will of the majority with respect for minority rights.
- Republic: The head of the state is elected, not hereditary, ensuring accountability and representation.

The Preamble also highlights the objectives of Justice (social, economic, and political), Liberty (of thought, expression, belief, faith, and worship), Equality (of status and opportunity), and Fraternity (to maintain the dignity of the individual and unity of the nation). These ideals reflect the ethical and philosophical foundation that guides law-making and governance in India.

The philosophy of the Indian Constitution rooted in the Preamble is a commitment to building an inclusive, just, and democratic society where every citizen enjoys freedom and equality. It acts as a beacon, guiding the interpretation of constitutional provisions and shaping the nation's path toward social harmony and progress. This philosophy distinguishes the Indian Constitution as a living document committed to the aspirations and welfare of its people.

5. **Examine the importance of the Right to Equality in the Indian Constitution.**

Ans:- The Right to Equality is one of the most fundamental rights enshrined in the Indian Constitution. It is essential for the foundation of a democratic and just society, ensuring that every individual receives fair and equitable treatment under the law. This right is enshrined primarily in Articles 14 to 18 of the Constitution and serves as a cornerstone for protecting the dignity and freedom of every citizen.

The importance of the Right to Equality can be understood from several aspects:

- Equality before the Law (Article 14): This principle guarantees that no person is above the law and everyone shall receive equal protection of the

laws within Indian territory. It ensures fairness by preventing arbitrary and discriminatory treatment by the state or its authorities.

- Prohibition of Discrimination (Article 15): The Constitution bans discrimination against any citizen based on religion, race, caste, sex, or place of birth, promoting a society free from prejudice and bias.
- Equality of Opportunity in Public Employment (Article 16): It guarantees equal access to government employment opportunities, ensuring that no citizen is unjustly excluded or favored.
- Abolition of Untouchability (Article 17): This provision abolishes the social practice of untouchability, leading to the upliftment of historically marginalized communities.
- Abolition of Titles (Article 18): To promote social equality, the Constitution does not allow the granting of titles which create social hierarchies, except for military and academic distinctions.

The Right to Equality underpins the rule of law and democratic governance. It combats social injustices and inequalities prevalent in Indian society and empowers marginalized groups through affirmative actions like reservations and protections. It also assures that laws and policies must be reasonable, non-arbitrary, and justifiable. The judiciary plays an active role in enforcing these guarantees, expanding their scope to cover various forms of discrimination and ensuring that state actions remain fair and equitable.

The Right to Equality is crucial for maintaining social harmony, justice, and democracy in India. It safeguards individuals from discrimination and arbitrary treatment and guarantees equal opportunities to all citizens, thereby fostering an inclusive and fair society that upholds human dignity and freedom. This right is foundational to India's constitutional vision as a sovereign, socialist, secular, and democratic republic.

6. Fundamental Rights are “not absolute but subject to reasonable restrictions.” Discuss with examples.

Ans:- Fundamental Rights in the Indian Constitution are essential for protecting individual freedoms and ensuring equality, but they are not

absolute. They are subject to reasonable restrictions imposed by the state in the interest of security, public order, morality, and the general public welfare. This balance ensures that rights are enjoyed responsibly without harming the nation or society.

The Constitution explicitly allows these restrictions to safeguard vital interests such as:

- Security of the State: Freedom of speech and expression cannot be used to incite violence or rebellion against the state. For example, laws may restrict speech that threatens national security.
- Public Order: The right to assemble peacefully is restricted if it poses a threat to public order, such as violent protests.
- Decency and Morality: Freedom of expression can be reasonably limited to prevent obscene or offensive content.
- Sovereignty and Integrity of India: Restrictions can be imposed to maintain India's unity and integrity.
- Contempt of Court, Defamation, and Incitement to an Offense: These restrictions prevent misuse of rights to harm others' reputations or disrupt legal processes.

The courts have emphasized that such restrictions must be reasonable, not arbitrary or excessive. For instance, in *Romesh Thappar v. State of Madras*, the Supreme Court struck down a law curbing freedom of speech since it was an unreasonable restriction. Conversely, in *Ajay Canu v. Union of India*, a restriction requiring helmets for motorcyclists was upheld as reasonable to protect public safety. Importantly, only laws passed by the legislature can impose restrictions, not executive orders.

The qualifier "reasonable restrictions" ensures a balance between individual freedoms and society's needs. It prevents misuse of Fundamental Rights while protecting public interest, security, and morality. This nuanced approach helps India maintain a functioning democracy where rights coexist with responsibilities for the welfare of all.

7. **Explain the significance of Fundamental Duties in promoting a sense of responsibility among citizens.**

   Ans:- The Fundamental Duties in the Indian Constitution play a vital role in promoting a sense of responsibility and discipline among citizens. These duties, introduced by the 42nd Amendment in 1976 under Article 51A, emphasize that alongside rights, citizens have certain moral and civic obligations towards the nation. The inclusion of Fundamental Duties aims to foster patriotism, unity, and social harmony.

   The significance of Fundamental Duties can be understood in several key ways:

- Promoting Civic Consciousness: Fundamental Duties remind citizens to respect the Constitution, national symbols like the flag and anthem, and to cherish the ideals of the freedom struggle. This cultivates loyalty and pride towards the nation.
- Ensuring Social Harmony: Duties such as promoting fraternity and renouncing practices derogatory to the dignity of women encourage tolerance and unity across India's diverse religious, linguistic, and cultural groups.
- Environmental Protection: Citizens are urged to protect and improve the natural environment, promoting awareness of ecological preservation and sustainable development.
- Developing Scientific Temper and Inquiry: Encouragement towards scientific thinking, humanism, and reform supports progress and modernization.
- Safeguarding Public Property and Renouncing Violence: These duties foster respect for community resources and peaceful coexistence, essential for law and order.
- Encouraging Excellence and Education: Striving for excellence in collective and individual activities and ensuring education opportunities for children contribute to national development.

The Fundamental Duties act as a moral compass guiding citizens to contribute responsibly to the nation's growth and uphold democratic values. They complement Fundamental Rights by reminding citizens that enjoying rights comes with fulfilling obligations. Through these duties, citizens develop a sense of belonging and accountability towards their country.

Fundamental Duties are significant in nurturing responsible citizenship, ensuring that individuals not only claim their rights but also fulfill their obligations. This balance strengthens the democratic fabric and unity of India, fostering social harmony, national integrity, and sustainable progress. The duties inspire citizens to participate actively and ethically in nation-building.

8. **"Fundamental Duties are non-justiciable but play an important role." Explain with examples.**

Ans:- The Fundamental Duties in the Indian Constitution are non-justiciable, meaning they are not enforceable by courts or legal proceedings. They were added by the 42nd Amendment in 1976 to promote civic responsibility and patriotism among citizens. Despite not being legally binding, these duties play an important role in reinforcing the Constitution's ideals and guiding citizens' behavior towards collective national welfare.

The non-justiciable nature means citizens cannot be legally punished for violating these duties. However, they act as moral and ethical obligations that encourage responsible citizenship. The duties complement Fundamental Rights by emphasizing that rights come with responsibilities to the nation and society.

Examples of their significance include:

- Encouraging citizens to respect the Constitution, national flag, and anthem, which fosters national unity and pride.
- Promoting social harmony and fraternity by discouraging discrimination and untouchability.
- Supporting environmental protection by urging citizens to safeguard natural resources.

- Inspiring scientific temper and striving for excellence to contribute to national progress.
- Protecting public property and renouncing violence promote lawfulness and social order.

The Supreme Court has upheld the importance of Fundamental Duties in cases like *Ranganath Mishra vs Union of India* (2003), where it emphasized that duties should be enforced through social sanctions rather than legal sanctions. Courts have also noted that Fundamental Duties complement Fundamental Rights, strengthening the democratic fabric.

Fundamental Duties are non-justiciable, they serve a crucial role in cultivating a sense of responsibility, patriotism, and social ethics among citizens. They promote national integrity, social harmony, and constructive citizenship, making them a vital part of India's constitutional philosophy. This balance between rights and duties helps build a responsible and cohesive society.

9. Distinguish between Fundamental Rights and Directive Principles of State Policy. Why is harmony between the two essential?

Ans:- The Indian Constitution enshrines both Fundamental Rights and Directive Principles of State Policy (DPSP), which are distinct but complementary components aimed at establishing justice, liberty, equality, and fraternity in society. Understanding the differences and the need for harmony between them is vital for balanced democratic governance.

Fundamental Rights, found in Part III of the Constitution, are legal guarantees ensuring the protection of individual liberties against any arbitrary action of the state. They include rights such as equality before law, freedom of speech, protection against discrimination, and right to life. These rights are justiciable, meaning individuals can enforce them in courts if violated, guaranteeing political and civil freedoms to citizens.

Directive Principles, mentioned in Part IV, are guidelines for the state to promote social and economic welfare broadly. They include provisions for securing an adequate livelihood, promoting education and public health,

reducing inequalities, and ensuring the provision of public services. Unlike Fundamental Rights, these principles are not enforceable by courts but are meant to guide lawmakers and policymakers in governance to establish a welfare state.

Key distinctions include:

- Nature: Fundamental Rights are negative in nature, restricting state action against individuals; Directive Principles are positive, urging the state to act for societal welfare.
- Enforceability: Fundamental Rights are enforceable by courts; Directive Principles are non-justiciable and serve as policy guidelines.
- Focus: Fundamental Rights prioritize individual liberties; Directive Principles focus on collective social and economic objectives.
- Purpose: Fundamental Rights aim to protect citizens from state oppression, ensuring political democracy; Directive Principles seek to establish social and economic democracy.

The harmony between the two is essential because Fundamental Rights provide the foundation of freedom and justice, while Directive Principles guide the state in creating conditions for realizing those freedoms meaningfully across society. The Supreme Court has emphasized that both must be read together, not in isolation, as their consonance strengthens the democratic fabric. For example, the right to education (a Fundamental Right under Article 21-A) aligns with Directive Principles promoting free and compulsory education.

Fundamental Rights and Directive Principles serve different roles but are complementary pillars of the Constitution. Harmonizing the protection of individual rights with the state's duty to promote social welfare ensures balanced governance, inclusive growth, and advancement of India's democratic ideals. This synergy is crucial for achieving the Constitution's vision of justice, liberty, equality, and fraternity for all citizens.

10. Evaluate the role of Directive Principles in achieving social and economic democracy in India.

Ans:- The Directive Principles of State Policy (DPSPs) hold a crucial place in the Indian Constitution by guiding the government towards achieving social and economic democracy. Enshrined in Part IV, Articles 36 to 51, they lay down the ideals that the state should strive to achieve to create a just and equitable society. Although they are non-justiciable and not enforceable by courts, DPSPs profoundly influence the formulation of laws and policies for the welfare of all citizens.

The role of Directive Principles in achieving social and economic democracy can be analyzed through the following points:

- Promoting Social Justice: DPSPs emphasize reducing inequalities in income, status, and opportunities. They guide the state to provide adequate means of livelihood, equal pay for equal work, and promote the welfare of vulnerable groups like Scheduled Castes, Scheduled Tribes, and other weaker sections.
- Encouraging Economic Welfare: The principles urge the state to organize agriculture and animal husbandry on modern and scientific lines, ensure just distribution of wealth, and prevent the concentration of wealth and means of production. This commitment helps in reducing poverty and ensuring a decent standard of life.
- Establishing a Welfare State: DPSPs envision a welfare-oriented governance model where the state actively intervenes to improve health, education, and living conditions through programs like free education, public health care, and social security.
- Ensuring Equal Opportunity: By promoting education for all and protecting childhood from exploitation, DPSPs aim at empowering citizens to participate fully in the democratic process and economic activities.
- Environmental Protection and Sustainable Development: Recent interpretations have underscored environmental preservation as part of the DPSP framework, highlighting their role in safeguarding natural resources for future generations.

Though non-binding, DPSPs have greatly influenced social legislation and welfare schemes in India, such as land reforms, reservation policies,

minimum wages, and labor laws. They complement Fundamental Rights by focusing on positive state action to achieve social equity, thus laying the foundation for social and economic democracy.

Directive Principles play a significant role in steering India towards a just society by promoting social justice, economic welfare, and inclusive growth. They provide a roadmap for the government to balance individual rights with collective well-being, fostering democracy not just in political terms but also in social and economic dimensions, thereby shaping India's development as a welfare state.

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UNIT-2

Federalism: Nature of Federalism, Union-State Relations, Sarkaria Commission and Punchhi Commission.

2-4 marks

1. **Define Federalism. Mention any two essential features of a federal system.**
   Ans:- Federalism is a system of government in which power is divided between a central authority and constituent units—such as states or provinces.
   Essential features:

- There are two or more levels of government, each with its own specific jurisdiction over matters of legislation, taxation, and administration.
- The existence and authority of each tier is guaranteed by the Constitution.

2. **Differentiate between "Cooperative Federalism" and "Competitive Federalism."**

- **Ans:-** Cooperative Federalism: The Centre and States cooperate to achieve common objectives and national development goals, advocating partnership and joint action for the country's benefit.
- Competitive Federalism: The Centre and States (and amongst states themselves) compete to attract investments and promote good governance, encouraging healthy competition for development and efficiency.

3. **Mention any two unitary features of the Indian Constitution.**

- **Ans:-** A strong central government with more powers than the states.
- Single citizenship for the entire nation.

4. **State any two provisions of the Constitution which ensure strong Union-State relations.**

- **Ans:-** The power of Parliament to reorganize the boundaries of states.
- Emergency provisions (Article 352, 356, 360) which allow the Union to take control during crises.

5. **What is the significance of Article 356 in Centre–State relations?**
   Ans:- Article 356 allows the President to impose President's Rule in a state if its governance cannot be carried out according to the provisions of the Constitution, strengthening the Centre's control during state-level constitutional crises.
6. **Write two major recommendations of the Sarkaria Commission on Centre–State relations.**

- **Ans**:- The Union should deploy its overriding powers (such as under Article 356) sparingly, as a last resort.
- Establishment of permanent Inter-State Council to facilitate better Centre-State relations.

7. **Write two major recommendations of the Punchhi Commission on Union–State relations.**

- **Ans:-** Limiting the use of Article 356 to exceptional circumstances, with clear guidelines.
- States should have greater autonomy in subjects listed in the State and Concurrent Lists.

8. **Mention two subjects included in the Union List and two in the State List.**

- **Ans:-** Union List: Defence, Foreign Affairs
- State List: Police, Public Health

9. **What role does the Inter-State Council play in Indian Federalism?**
   Ans:- The Inter-State Council promotes cooperation and coordination between the Centre and States, discussing policies, resolving disputes, and strengthening federal ties.
10. **Explain the importance of the Finance Commission in maintaining fiscal federalism.**
    Ans:- The Finance Commission recommends the distribution of financial resources between the Centre and States, ensuring equitable sharing of revenues to support balanced regional development and fiscal autonomy at the state level.

8-10 marks

1. **Explain the essential features of Indian federalism. In what ways does it differ from the classical federal model?**

   Ans:- The Indian federal system is a unique blend of federal and unitary features, designed to accommodate the country's vast diversity and complexity. Federalism in India refers to the division of powers and responsibilities between the central government and the various state governments, ensuring governance at both national and regional levels.

   Essential features of Indian federalism include:

- Dual Polity: India has two levels of government – the Union government at the center and state governments at the periphery, each with its own jurisdiction and powers as defined by the Constitution.
- Written Constitution: The Indian Constitution clearly defines the distribution of legislative, administrative, and financial powers between the Centre and the states in a written document, which acts as the supreme legal authority.
- Division of Powers: The Constitution's Seventh Schedule divides subjects into Union List, State List, and Concurrent List, delineating the subjects on which Centre and States can legislate.
- Supremacy of the Constitution: Both the Centre and States derive their powers from the Constitution, which is the supreme law. All laws must conform to the Constitution.
- Independent Judiciary: The Supreme Court acts as a neutral arbiter to resolve disputes between the Centre and States and ensures adherence to the constitutional scheme of division of powers.
- Bicameral Legislature: The Parliament of India is bicameral, with the Rajya Sabha representing the states, giving them a voice at the national level.
- Single Citizenship: Unlike classical federalism where citizens have dual citizenship, India has a single citizenship that applies uniformly across the country.

- Strong Centre: The Indian federal system allows a strong Centre, especially during emergencies, as the Constitution provides powers to the Union to override state authority to maintain unity and integrity.

Differences from the Classical Federal Model:

- Origin: Unlike classical federations like the USA, Indian federalism was not the result of an agreement between sovereign states but was imposed as a unitary system turning into a federation.
- Single Constitution and Citizenship: Indian citizens have a single constitution and citizenship, whereas classical federations may have separate state constitutions and dual citizenship.
- Asymmetrical Federalism: India's states do not all have equal powers (e.g., special provisions for certain states like Jammu & Kashmir, Scheduled Areas), unlike classical federations which try to maintain equal state powers.
- Strong Centre: Indian federalism has a strong Centre with powers to intervene in states through various constitutional provisions like emergency powers, which is less common in classical federations emphasizing state autonomy.
- Flexible Constitution: The Indian Constitution is partly rigid and partly flexible, allowing Parliament to amend certain federal provisions with state ratification, unlike the usually rigid classical federal constitutions.

Indian federalism is a distinctive system balancing the need for unity and diversity. It incorporates federal features like division of powers and state autonomy while ensuring a strong central authority to maintain integrity and governance efficiency. This blend makes it suited for India's socio-political realities, differing from classical federal models by emphasizing a cooperative approach with a centralizing bias where necessary.

2. **Discuss the debate on whether India is a "federation with a unitary bias." Give suitable examples.**

Ans:- India's constitutional structure is often described as a "federation with a unitary bias," reflecting a unique blend of federal and unitary features. This

characterization has been the subject of considerable debate among scholars, political leaders, and jurists.

The phrase means that while India has a federal system with a division of powers between the Centre and the states, the Constitution provides stronger authority to the Centre, especially in critical matters related to national integration, security, and governance.

Several aspects support the idea of a unitary bias in India's federal system:

- Single Citizenship: Unlike classical federations, India has a single citizenship, signifying the primacy of the national polity over regional identities.
- Strong Centre's Legislative Powers: The Centre has residuary powers to legislate on subjects not enumerated in the State List, and can legislate on State subjects in the national interest (Article 249).
- Emergency Provisions: Articles 352, 356, and 360 grant the Centre sweeping powers to suspend state autonomy during emergencies, including President's Rule (Article 356) that allows the Centre to take direct control over states if governance breaks down.
- Financial Dependence of States: States depend heavily on the Centre for funds, which increases central control over state policies.
- All-India Services: Services like IAS and IPS act as instruments of the Union government's influence over the states.

On the other hand, India retains key features of federalism, including:

- Division of Powers: The Constitution demarcates the Union List, State List, and Concurrent List.
- Independent Judiciary: The Supreme Court adjudicates disputes between the Centre and states to uphold federal balance.
- Bicameral Legislature: The Rajya Sabha represents states at the national level.

Examples illustrating this balance include the use of Article 356 during various state crises, showing the Centre's powerful intervention rights and the abrogation of Article 370 by the Centre, affecting Jammu and Kashmir's special status, which raised debates on federalism.

Critically, this unitary bias was deliberately embedded to ensure strong central authority in a diverse and vast country, especially given the need for national integration after Partition. It prevents fragmentation while allowing states autonomy in normal circumstances.

India's constitution creates a federation with a strong unitary tilt to suit its unique socio-political realities. This balance ensures unity and effective governance while respecting state autonomy. However, maintaining this equilibrium remains a continuing challenge in Indian polity, requiring careful negotiation between the Centre and states to uphold both national interests and federal principles.

3. **Examine the legislative relations between the Union and the States in India.**

Ans:- The legislative relations between the Union and the States in India are fundamental to the country's federal structure and are outlined primarily in Articles 245 to 255 of the Indian Constitution. These relations define the extent, limits, and nature of legislative powers exercised by Parliament and State Legislatures.

The Constitution divides the subjects of legislation into three lists under the Seventh Schedule:

- Union List: Consists of subjects like defense, foreign affairs, currency, and interstate trade, over which only the Parliament can legislate.
- State List: Contains subjects including public order, police, public health, and agriculture, over which State Legislatures have exclusive law-making powers.
- Concurrent List: Includes subjects such as criminal law, marriage, bankruptcy, and education, where both the Centre and States can legislate.

Key features of legislative relations include:

- Exclusivity and Supremacy: Parliament has exclusive authority on the Union List, while States have exclusive powers on the State List. In case of conflicting laws on the Concurrent List, Union law prevails unless the State law has received the President's assent.
- Residue and Emergency Powers: Residuary legislative powers (subjects not mentioned in any list) are vested with Parliament, enhancing Centre's authority. During national emergency (Article 250), Parliament can legislate over State subjects.
- Parliament's Power with State Consent: Under Article 252, Parliament may legislate on State List subjects if two or more States consent; such laws apply initially to consenting States but may be extended to others.
- Territorial Extent: Parliament laws apply across all states and Union territories, whereas State legislatures' laws are generally limited to their respective states.
- Legislative Coordination: Article 263 provides for an Inter-State Council to facilitate coordination between Centre and States on legislative and other matters.

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This framework aims to balance the autonomy of States with the supremacy of the Union law for national unity and integrity. While States have autonomy in local matters, the Centre ensures uniformity in critical domains to sustain the federal structure.

legislative relations between the Union and States in India establish a well-defined, yet flexible division of law-making powers. This structure helps maintain cooperative federalism, empowering States with legislative independence while allowing the Union a coordinating role to safeguard national interests, ensuring effective governance over a diverse and complex nation.

4. **How does the Union exercise control over the States in financial matters?**

Ans:- The Union exercises control over the States in financial matters through a structured constitutional framework designed to maintain fiscal

stability, ensure equitable resource distribution, and uphold the unity of India's federal system. This financial control is essential to balance the fiscal autonomy of states with the Centre's responsibility to oversee national economic interests.

Key ways the Union exercises control include:

- Distribution of Tax Revenues: Under Article 270, certain taxes collected by the Union, such as income tax, are shared with the States based on recommendations by the Finance Commission (Article 280). The Commission assesses states' financial needs and suggests a revenue-sharing formula to ensure fair resource allocation.
- Grants-in-Aid: Article 275 empowers the Union to provide financial assistance (grants) to States, particularly those with budgetary deficits or special developmental needs. These grants help reduce regional imbalances and support welfare schemes.
- Financial Planning and Budgetary Control: The Union influences states through centrally sponsored schemes (CSS), where the Centre provides funds with specific conditions and oversight responsibilities, effectively guiding state expenditure priorities.
- Borrowing Regulations: Articles 292 and 293 regulate borrowing by the Union and states, respectively. States require the Union's consent to borrow if they already have outstanding loans from the Centre, limiting state fiscal autonomy.
- Consolidated Funds: Both Union and States maintain Consolidated Funds, with strict parliamentary control over withdrawals. No money can be spent without legislative approval, ensuring accountability and oversight.
- Goods and Services Tax (GST) Framework: After the introduction of GST, both Union and States share revenues from goods and services tax as per recommendations of the GST Council, offering a collaborative mechanism for financial management.
- Audit and Legislative Oversight: The Comptroller and Auditor General (CAG) audits state finances, and legislatures (both Union and state) exercise

budgetary control through demands for grants and appropriation bills, ensuring transparency and accountability.

Examples showing this control include the role of the Finance Commission in recommending increased states' share in central taxes and the Union's condition of matching funds for states in various welfare programs.

The Union's control over state finances combines resource distribution, regulatory oversight, and cooperative mechanisms like grants and GST to maintain fiscal discipline while promoting equitable development. This balance helps uphold the fiscal federalism essential for India's economic unity and governance efficiency.

5. **Discuss the impact of Article 356 (President's Rule) on the federal character of the Indian Constitution.**

Ans:- Article 356 of the Indian Constitution, also known as President's Rule, allows the Union government to assume control over a State if the constitutional machinery in that State fails. This provision was included to maintain the integrity and proper functioning of governance but has had a profound impact on the federal character of India.

Impact on federalism includes:

- Centralization of Power: Article 356 gives the Centre the power to dismiss a State government and suspend the State Legislative Assembly. This tilts the balance of power markedly in favor of the Union, undermining the autonomy and sovereignty of states.
- Threat to State Autonomy: Frequent use or misuse of Article 356 can weaken democratic governance at the State level by overriding the electorate's mandate. It restricts states' ability to exercise independent legislative and executive powers.
- Political Misuse: Historically, Article 356 has often been misused by the Centre for political gains—dismissing opposition-ruled State governments under the pretext of constitutional failure, which damages cooperative federalism and trust between Centre and States.

- Judicial Safeguards: The Supreme Court in the landmark S.R. Bommai case (1994) laid down guidelines placing limits on the misuse of Article 356. It allowed judicial review of the President's proclamation, ensuring that President's Rule can only be imposed on genuine grounds of constitutional breakdown, thereby safeguarding federalism to an extent.
- Temporary Measure: Article 356 is envisaged as a last-resort and temporary remedy. Its frequent or prolonged use can erode the federal spirit and democratic decentralization essential to India's polity.
- Balance of Unity and Diversity: While the provision centralizes authority, it is also a mechanism to preserve national integration and handle emergencies where State governance collapses, reflecting the unitary bias within Indian federalism.
- Enhancement of Cooperative Federalism: Post the Bommai judgment, there has been greater emphasis on dialogue and cooperation between Centre and States to resolve issues, reducing reliance on Article 356.

Article 356 has a significant impact on India's federal character by empowering the Centre to intervene in States. While essential for protecting constitutional governance and national unity, its misuse threatens federal autonomy and democratic governance. Judicial oversight and cooperative federalism are vital to balancing this power and preserving the true spirit of India's federal structure.

6. Critically analyze the role of the Inter-State Council in maintaining cooperative federalism.

Ans:- The Inter-State Council (ISC) plays a significant role in maintaining cooperative federalism in India by fostering dialogue, resolving conflicts, and coordinating policies between the Union and the States. Established under Article 263 of the Indian Constitution, the ISC was first constituted in 1990 based on recommendations from the Sarkaria Commission, aiming to bridge the communication gap between the Centre and States and among States themselves.

Role of the Inter-State Council in Cooperative Federalism:

- Platform for Dialogue: The ISC provides a forum for the Centre and States to discuss issues of common interest ranging from economic development to law and order, thus promoting mutual understanding and cooperation.
- Conflict Resolution: It investigates and advises on disputes that may arise between States or between the Centre and States. This advisory function helps preempt or resolve conflicts amicably without resorting to judiciary or legislative interventions.
- Policy Coordination: ISC facilitates coordination of policy and action to ensure harmonized governance across different jurisdictions, especially on subjects like disaster management, inflation control, and infrastructure development.
- Inclusive Composition: The Council is chaired by the Prime Minister and includes Chief Ministers of all States, Union Ministers, and Governors of states under President's Rule, ensuring representation of diverse interests.
- Consensus-Based Decisions: The ISC encourages consensus in decision-making, which strengthens cooperative federalism by ensuring all parties feel involved and respected.
- Standing Committee: Established in 1996, the Standing Committee of ISC maintains continuous consultation, preparing issues for discussion and smoothing interstate coordination.

Challenges and Criticisms:

- Infrequency of Meetings: Despite its importance, the ISC has met irregularly, impacting its efficacy as a constant platform for federal dialogue.
- Non-Binding Recommendations: The Council's recommendations are advisory and not binding, limiting its direct impact on governance.
- Limited Powers: The ISC lacks executive authority to enforce decisions, which sometimes leads to non-implementation of agreements reached.

Examples of ISC's Role:

- It played a vital role in coordinating states during the implementation of Goods and Services Tax (GST), enabling smoother transition and uniform policies.
- ISC discussions have addressed issues like river water disputes, inter-state transport regulation, and border security coordination.

The Inter-State Council is a crucial constitutional mechanism strengthening cooperative federalism by promoting regular dialogue, dispute resolution, and policy coordination. While its advisory nature and infrequent meetings limit its effectiveness, enhancing its role and institutionalizing its processes can significantly improve Centre-State and inter-state relations, fostering unity and collective governance in India's diverse federal structure.

7. **What were the major recommendations of the Sarkaria Commission regarding Centre–State relations?**

Ans:- The Sarkaria Commission was established in 1983 to examine the existing arrangements between the Centre and the States and propose reforms for enhancing cooperative federalism within the framework of the Indian Constitution. Its report, submitted in 1988, contains 247 specific recommendations addressing various facets of Centre-State relations.

Key recommendations of the Sarkaria Commission include:

- Strengthening the Role of Governors: The Commission recommended consultation with the Vice President and Lok Sabha Speaker before appointing Governors, fixing their tenure to five years with protection from arbitrary removal, and curbing their discretionary powers, especially concerning Article 356 (President's Rule). Governors should function impartially and avoid unnecessary interference in State administration.
- Responsible Use of Article 356: The Commission emphasized that dismissal of State governments under Article 356 should be a measure of last resort, used sparingly and only after all alternatives have been explored. The Governor should first attempt to form a government with majority support before recommending President's Rule, and timely explanations must be considered.

- Legislative Relations: Clear demarcation and mutual respect on the Concurrent List were advised, with prior consultation with States before introducing legislation affecting them. The Commission suggested that residuary powers related to taxation be retained by Parliament while other residuary powers be added to the Concurrent List.
- Financial Relations: Strengthening the role of the Finance Commission in resource devolution was recommended, alongside making central grants less discretionary and formula-based for transparency. The Commission also highlighted the need to coordinate and regulate State borrowing to ensure fiscal discipline.
- Inter-State Councils and Coordination: Establishing a permanent and more empowered Inter-State Council and Zonal Councils was urged to foster consultation, dispute resolution, and cooperative governance between Centre and States.
- Administrative Relations: The Commission suggested limiting the Centre's powers to deploy para-military forces without the consent of States and clearly defining roles of Central agencies to avoid administrative overlap and friction.
- Recognition of States' Rights: It stressed that the Central Government must respect the constitutional rights and autonomy of States, promoting true cooperative federalism.
- All India Services: The Commission viewed the All India Services as vital for national integration and recommended improving their recruitment, training, deployment, and specialization rather than any move to abolish them.

The Sarkaria Commission's recommendations sought to balance the power between the Centre and States by promoting restraint in central interventions, enhancing State autonomy, strengthening mechanisms for consultation, and improving financial and administrative cooperation. These recommendations have been influential in shaping more harmonious Centre-State relations and remain a significant reference point in India's federal discourse.

8. **Evaluate the significance of the Sarkaria Commission in strengthening federalism in India.**

Ans:- The Sarkaria Commission, established in 1983, played a crucial role in evaluating and improving Centre-State relations to strengthen federalism in India. Its recommendations sought to balance the powers and responsibilities between the Union and the States, ensuring cooperative federalism while preserving the constitutional framework of India's quasi-federal system.

The significance of the Sarkaria Commission in strengthening federalism can be evaluated through the following points:

- Promotion of Cooperative Federalism: The Commission emphasized federalism as a functional arrangement for cooperative action rather than a mere institutional concept. It encouraged dialogue, consultation, and coordination between the Centre and States through institutional mechanisms.
- Role of Governors: It recommended that Governors should be impartial, politically detached, and act as constitutional heads without undue interference. This was aimed at reducing partisan misuse of Governors' powers and protecting State autonomy.
- Restraining Misuse of Article 356: The Commission advocated that imposition of President's Rule should be a last resort, with warnings to errant States and full consideration of their explanations before action. This sought to curtail arbitrary central intervention and protect States' democratic rights.
- Financial Autonomy: The Commission highlighted the importance of empowering States with greater financial resources and improving transparency in fiscal transfers, thereby strengthening states' fiscal independence and reducing dependency on the Centre.
- Legislative Consultations: It called for frequent consultations and prior involvement of States before the Centre legislates on Concurrent List subjects, promoting legislative harmony and respect for State interests.

- Institutional Mechanisms: The Commission supported the establishment of a permanent Inter-State Council as a platform for resolving disputes, fostering cooperation, and addressing inter-state issues, thereby institutionalizing dialogue in federal governance.
- Balanced Distribution of Residual Powers: It suggested that residuary powers related to taxation remain with Parliament, while other residuary subjects be classified under the Concurrent List to allow shared governance.
- Administrative Relations: Recommendations were made for clearer separation of roles and cooperative administrative functioning to avoid conflicts between Centre and States.

The Sarkaria Commission's recommendations significantly contributed to nurturing cooperative federalism by promoting mutual respect, limiting central overreach, enhancing state autonomy, and encouraging institutional dialogue. Though not all recommendations were fully implemented, the Commission's report remains a foundational document guiding Centre-State relations and strengthening the federal spirit essential for India's unity and diversity.

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9. Highlight the key recommendations of the Punchhi Commission on Union–State relations.

Ans:- The Punchhi Commission, established in 2007 under the chairmanship of former Chief Justice Madan Mohan Punchhi, was tasked with reviewing the Centre-State relations in the context of India's evolving political and economic landscape. Its comprehensive report submitted in 2010 contains several vital recommendations aimed at strengthening cooperative federalism and addressing emerging challenges.

Key recommendations of the Punchhi Commission include:

- Amendment of Articles 355 and 356: To prevent misuse of Centre's emergency powers over States, the Commission suggested protecting States' interests by localizing emergency impositions to specific troubled areas and restricting the duration to a maximum of three months.

- Strengthening the National Integration Council: The Commission proposed a more robust system for addressing internal security and communal issues through an empowered National Integration Council. It recommended annual meetings and quick action on communal tensions by delegations.
- Consultation on Concurrent List Subjects: It recommended that the Centre should consult States via the Inter-State Council before introducing bills on Concurrent List subjects, encouraging cooperative legislative federalism and reducing conflicts.
- Governor's Role: The Commission advocated appointing Governors from outside the State to ensure impartiality and suggested fixing tenure protections while discouraging Governors from holding active politics before appointment.
- Union's Treaty-Making Power: It proposed regulating the Union's treaty-making powers in matters under the State List to enhance State participation in international agreements affecting their affairs.
- Deployment of Central Forces: Regarding communal violence, the Commission recommended allowing temporary deployment of Central forces in affected States without prior consent to expedite relief efforts, provided post-facto consent is sought.
- Zonal Councils: The Commission emphasized that Zonal Councils should meet regularly to resolve inter-State disputes and coordinate policy areas, strengthening regional cooperation.
- Financial Relations and Resource Sharing: Recommendations were made to improve transparency and fairness in resource allocation, including better sharing and management of inter-State river waters.

The Punchhi Commission's report brought forth important reforms to reinforce cooperative federalism by promoting dialogue, protecting State autonomy, improving governance, and balancing Centre-State powers. These recommendations address both traditional federal challenges and contemporary socio-political dynamics, making them crucial for sustaining

India's unity and inclusive development. The implementation of these measures can significantly enhance harmonious Centre-State relations.

10. Compare and contrast the recommendations of the Sarkaria Commission and Punchhi Commission.

Ans:- The Sarkaria Commission (1983-1988) and the Punchhi Commission (2007-2010) were both established to review and recommend improvements in Centre-State relations in India. While they share overarching goals of strengthening federalism and cooperative governance, their recommendations diverge in focus and details due to evolving political and economic contexts.

Comparison of Recommendations:

- Focus and Context:
    - *Sarkaria Commission* primarily focused on affirming cooperative federalism within the framework of the 1980s, emphasizing restraint on central powers and the proper constitutional role of Governors.
    - *Punchhi Commission*, addressing challenges of the 21st century, focused on contemporary issues such as coalition politics, communal violence, and proposed reforms for more localized and flexible governance.
- Governor's Role:
    - Both Commissions emphasized the Governor's impartiality and suggested appointments from outside the state with fixed tenure.
    - Punchhi went further to recommend that Governors should not hold non-constitutional posts (like University Chancellor), should have limited discretionary powers, and removal should be through an impeachment-like process.
- Emergency Provisions (Article 356 and 355):

- *Sarkaria* urged cautious and sparing use of Article 356 (President's Rule) to protect State autonomy.
- *Punchhi* recommended amending these provisions to enable localized President's Rule confined to troubled areas (districts), limiting duration to three months for better-targeted interventions.

- Legislative Relations:
  - Sarkaria focused on respecting States' legislative powers, especially regarding the Concurrent List.
  - Punchhi emphasized prior consultation with States before introducing bills on the Concurrent List, advocating greater flexibility for States and restraint from the Centre in asserting parliamentary supremacy.
- Financial Relations:
  - Sarkaria recommended strengthening financial autonomy of States via the Finance Commission and better resource sharing.
  - Punchhi suggested improving transparency and involving States in Finance Commission's Terms of Reference, promoting more balanced fiscal federalism.
- Security and Internal Matters:
  - Punchhi proposed a stronger National Integration Council to address communal violence and internal security and recommended temporary deployment of Central forces without prior State consent in unrest situations, reflecting a more proactive approach.
- Institutional Mechanisms:
  - Both endorsed strengthening the Inter-State Council to foster dialogue and resolve disputes; Punchhi focused on making it more effective and regular.

Contrasts:

- Sarkaria focused on preserving the constitutional status quo with caution.

- Punchhi addressed new federal challenges, calling for structural and procedural reforms reflecting India's socio-political diversity and complexity today.

  Both the Sarkaria and Punchhi Commissions have significantly contributed to evolving Centre-State relations by outlining methods to preserve federalism while ensuring national unity. While Sarkaria stressed restraint and balanced federalism, Punchhi responded to newer challenges with recommendations aimed at flexibility and responsiveness. Together, their reports remain vital guides for sustaining cooperative federalism in India's dynamic political landscape.

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UNIT-3

The Executive: President- Election, Impeachment Procedure, Powers and Functions. 9 Prime Minister- Appointment and Role and Functions. Union Council of Ministers- Composition, Powers and Functions.

2-4 marks

1. **How is the President of India elected?**

   Ans:- The President of India is elected by an electoral college consisting of the elected members of both Houses of Parliament (Lok Sabha and Rajya Sabha) and the elected members of the Legislative Assemblies of all States and certain Union Territories. The election is conducted by proportional representation using a single transferable vote and secret ballot.

2. **What is the term of office of the President of India?**

   Ans:- The President holds office for a term of five years from the date they enter upon office.

3. **State two situations in which the President can be removed from office.**

- **Ans:-** Impeachment for violation of the Constitution by a process specified in Article 61.
- If declared disqualified by the Supreme Court for not fulfilling the eligibility criteria or for corrupt practices during the election**.**

4. **Mention any two executive powers of the President.**

- **Ans:-** Appointing the Prime Minister and, on their advice, the Council of Ministers.
- Appointing governors, judges of the Supreme Court and High Courts, and other key officials.

5. **How is the Prime Minister of India appointed?**

Ans:- The Prime Minister is appointed by the President. Usually, the leader of the majority party (or coalition) in the Lok Sabha is invited to form the government.

6. **Mention two important functions of the Prime Minister.**

- **Ans**:- Heads the Council of Ministers and presides over its meetings.
- Acts as the chief advisor to the President and is the principal channel of communication between the Cabinet and the President.

7. **What role does the Prime Minister play in relation to the Council of Ministers?**

Ans:- The Prime Minister selects the Council of Ministers, allocates portfolios among them, and can recommend their removal to the President. The Council works under the leadership and direction of the Prime Minister.

8. **What is the composition of the Union Council of Ministers?**

Ans:- It consists of:

- The Prime Minister
- Cabinet Ministers
- Ministers of State (independent charge or attached to Cabinet Ministers)
- Deputy Ministers

9. **Mention two legislative functions of the Council of Ministers.**

- **Ans:-** Preparing and introducing government bills and policies in the Parliament.
- Advising the President on summoning, proroguing, and dissolving the Lok Sabha.

10. **What is the principle of *collective responsibility* of the Council of Ministers?**

Ans:- The Council of Ministers is collectively responsible to the Lok Sabha; if the House passes a vote of no confidence, all ministers (including the Prime Minister) must resign.

8-10 marks

1. **Explain the procedure of election of the President of India.**

   Ans:- The election of the President of India is a carefully structured process designed to ensure the most representative head of the nation. As the constitutional head, the President's election reflects India's federal and parliamentary principles and is laid out in Articles 54 and 55 of the Constitution.

   The President is elected indirectly by an Electoral College consisting of:

- Elected members of both Houses of Parliament (Lok Sabha and Rajya Sabha)
- Elected members of the Legislative Assemblies of all States (including the National Capital Territory of Delhi, Jammu & Kashmir, and Puducherry)

   Nomination Process:
   A candidate must be nominated by at least 50 electors as proposers and 50 as seconders, all from the Electoral College. A security deposit is also required to stand as a candidate.

   Voting Process:
   The election is held through a system of proportional representation by means of a single transferable vote and voting is conducted by secret ballot. This ensures that the President has broad-based support across India.

   Value of Votes:

- The value of votes for each MLA is calculated based on the population of the state (using the 1971 Census) and the total number of elected MLAs of that state.
- The value of each MP's vote is uniform and determined by dividing the total value of all MLAs' votes by the total number of elected MPs.
- This system ensures parity between the representation of states and Parliament in electing the President.

Majority Requirement:
A candidate must secure more than half of the total valid votes polled to win. If no one achieves this in the first round, the candidate with the lowest votes is eliminated and their votes are transferred based on second preferences, continuing until a winner emerges.

Conduct of Election:
The Election Commission of India supervises the presidential election. The election is held before the term of the outgoing President ends, ensuring there is always a President in office.
The complex yet fair procedure of the President's election ensures that the head of state represents both the Union and the States. The proportional representation and secret ballot principles underpin the legitimacy and impartiality of the office, reflecting the cooperative federalism and democratic character of the Indian Republic.

2. **Describe the impeachment procedure of the President of India.**

Ans:- The impeachment procedure of the President of India is a unique, elaborate, and solemn constitutional process provided under Article 61 of the Indian Constitution. It is designed to ensure accountability at the highest executive office for any "violation of the Constitution," although the term is not specifically defined within the text.

The process can be initiated by either House of Parliament—Lok Sabha or Rajya Sabha. To begin, a notice of intention to move a resolution to impeach the President must be signed by at least one-fourth of the total members of the initiating House and submitted at least 14 days in advance.

Once the notice is admitted, the House can move the impeachment resolution. For it to be accepted, the resolution must be passed by a majority of not less than two-thirds of the total membership of the House. Following the passage in the first House, the resolution advances to the other House, which then either investigates the charges or causes them to be investigated. The President has the right to appear in person or through a representative during this investigation.

If the second House, after investigation, also passes the resolution by a two-thirds majority of its total membership, the President is considered impeached and removed from office from the date on which the resolution is passed. This quasi-judicial procedure is the highest form of legislative scrutiny, ensuring that only in cases of grave constitutional violations can the President be removed.

It is worth noting that no Indian President has ever been impeached so far. The process stands as a testament to the system of checks and balances envisaged by the Constitution, reinforcing the President's duty to uphold the highest standards while in office.

The impeachment procedure of the President of India reflects the gravity and care required for removing the nation's First Citizen. By requiring a special majority in both Houses and guaranteeing procedural fairness, the Constitution safeguards the dignity and stability of the highest office, while securing mechanisms for ultimate accountability.

3. **Discuss the executive, legislative and emergency powers of the President of India.**

Ans:- The President of India is the ceremonial head of state and holds substantial constitutional powers, which are central to the functioning and stability of the Indian polity. The President's authority spans executive, legislative, and emergency domains, making the office pivotal to India's constitutional framework.

Executive Powers:
The President is the formal chief of India's executive branch. All executive actions of the Government of India are carried out in the President's name. The President appoints the Prime Minister, Council of Ministers, Governors of States, Attorney General, Comptroller and Auditor General, Chief Election Commissioner, and judges of the Supreme Court and High Courts. Additionally, the President administers Union Territories, designates areas as scheduled or tribal, and can seek information from the Prime Minister and other ministers regarding governmental affairs. The executive power also

includes appointing heads of national commissions and the power to promulgate ordinances when Parliament is not in session.

Legislative Powers:
The President is an integral part of Parliament and plays a vital legislative role. The President summons and prorogues sessions of both Houses of Parliament and can dissolve the Lok Sabha. No bill passed by Parliament becomes law until it receives the President's assent, who can return a non-money bill for reconsideration or withhold assent in rare circumstances. The President can address either House, send messages, and recommend the introduction of certain bills (particularly money bills) or legislation affecting the states. The power to issue ordinances during Parliament's recess carries the force of law, subject to later parliamentary approval.

Emergency Powers:
The President holds extraordinary powers to safeguard the nation and Constitution in times of crisis:

- National Emergency (Article 352): In the event of war, external aggression, or armed rebellion, the President can proclaim a national emergency, suspending many fundamental rights and centralizing governance.
- President's Rule (Article 356): Upon a breakdown of constitutional machinery in a state, the President can assume direct control over the state's administration.
- Financial Emergency (Article 360): In cases threatening India's financial stability, the President can oversee financial management across the Union and States, including reducing government salaries and requiring States to follow central directives.

While the President acts largely on the advice of the Council of Ministers, the office is endowed with essential constitutional duties and powers. This executive, legislative, and emergency powers ensure the President can uphold the Constitution, maintain the nation's integrity, and intervene in times of constitutional crisis—reflecting the President's role as both a symbol of unity and a guardian of constitutional propriety.

4. **"The President of India is only a nominal head while real powers lie elsewhere." Discuss with reference to his functions.**

Ans:- The President of India is often referred to as a nominal or ceremonial head of state, while the real executive powers are exercised by the Council of Ministers headed by the Prime Minister. This arrangement is rooted in India's parliamentary system, modeled after the British system, and is explicitly mandated by the Constitution.

Although the President is the formal chief executive—appointing the Prime Minister, other ministers, Governors, and key officials, and all executive actions are undertaken in the President's name—these powers are not personal and must be exercised according to the advice of the Council of Ministers. Article 74 of the Constitution clearly stipulates that the President shall act in accordance with such advice, barring a few exceptional circumstances.

In the legislative sphere, the President summons and prorogues Parliament, dissolves the Lok Sabha, and assents to bills passed by Parliament for them to become law. However, these legislative actions too are dictated by the Cabinet's advice. The President may return a bill for reconsideration (except money bills), but if the same bill is again passed by Parliament, it must be assented to by the President.

The President possesses powers to promulgate ordinances, declare emergencies, and command the armed forces. Yet, these powers are not independent; for instance, the declaration of a national emergency or President's Rule in a state can only be done on the Cabinet's recommendation. Even in judicial and financial matters, from granting pardons to laying the budget before Parliament, all presidential acts are contingent on ministerial advice.

This structure was reinforced during significant Supreme Court rulings and constitutional amendments (notably the 42nd and 44th Amendments), which clarified that the President is bound by ministerial counsel. The office thus serves as a symbol of national unity and constitutional propriety, providing

stability and continuity to government, but real policymaking and administration rest with the elected representatives.

While the President of India performs important constitutional functions and represents the Republic formally, these duties are ceremonial and supervisory. The President is indeed a nominal head, with actual powers residing with the Council of Ministers, illustrating the spirit of collective responsibility and representative democracy in India's governance.

5. **How is the Prime Minister of India appointed? Explain the role played by the President in this process.**

Ans:- The appointment of the Prime Minister of India is a core tenet of the parliamentary system, where the President formally appoints the individual, but the process is guided by democratic convention and constitutional provisions.

The President of India appoints the Prime Minister under Article 75 of the Constitution. The choice typically falls on the leader of the party or coalition that commands the majority in the Lok Sabha—the lower house of Parliament. This leader is usually chosen by the Members of Parliament (MPs) belonging to the victorious party or coalition. The President's role, in this context, is largely ceremonial, though it becomes significant in certain scenarios.

After a general election, if a single party or alliance secures a clear majority, the President invites its chosen leader to form the government. The President then formally appoints this leader as the Prime Minister, who is subsequently sworn in and tasked with forming the Council of Ministers.

In situations where no single party has an absolute majority (a "hung" Lok Sabha), the President may exercise their discretion in selecting the Prime Minister. In such cases, the President can invite the leader of the largest party, a pre-election coalition, or a leader capable of commanding a majority by gathering support from multiple parties. The appointed Prime Minister must then prove their majority on the floor of the Lok Sabha within a stipulated period, usually a month.

The President also administers the oath of office and secrecy to the Prime Minister before they assume their role. Importantly, according to convention, the President cannot arbitrarily select anyone as Prime Minister. The individual must be able to demonstrate, directly or through alliances, that they command the confidence of the Lok Sabha.

While the President has the constitutional power to appoint the Prime Minister, this role is closely tied to democratic norms and the realities of parliamentary confidence. The President's function ensures constitutional propriety and national continuity, especially during uncertain or unstable political times, but the principle of majority support in the Lok Sabha remains the bedrock of Prime Ministerial appointment in India.

6. **Explain the powers and functions of the Prime Minister in the Indian political system.**

Ans:- The Prime Minister of India is the head of the government and holds the real executive authority within the Indian political system. Although the President is the constitutional head of the state, it is the Prime Minister who exercises substantial powers and functions necessary for governance and administration.

Powers and Functions of the Prime Minister:

- Head of the Council of Ministers: The Prime Minister leads the Council of Ministers and is responsible for its formation. He recommends ministers for appointment by the President and allocates portfolios. The Prime Minister presides over Cabinet meetings, directs discussions, and influences decisions.
- Principal Advisor to the President: According to Article 74, the Prime Minister acts as the chief advisor to the President. He communicates all decisions of the Cabinet relating to the administration and legislation to the President and provides any information requested.
- Leader in Parliament: The Prime Minister is the leader of the majority party or coalition in the Lok Sabha. He plays a critical role in coordinating

government business in Parliament, influencing legislative agendas, and representing the government's policies.

- Executive Powers: The Prime Minister exercises real executive authority along with the Council of Ministers, guiding day-to-day administration and implementing policies.
- Political Leadership: He commands the confidence of the Lok Sabha and is the face of the government at home and abroad. The PM represents India in high-level international forums, shaping foreign policy.
- Crisis Manager: In times of political or national crises, the Prime Minister plays the key role in decision-making and stabilizing governance.
- Control over Ministers: The Prime Minister can ask ministers to resign or recommend their dismissal to the President if differences arise, ensuring cohesion within the government.
- Other Specific Roles: The PM heads important bodies like the Nuclear Command Authority and exercises powers related to public administration reforms and appointments in key government institutions.

The Prime Minister is the real executive head in India's parliamentary democracy. His powers span executive, legislative, and political fields, providing leadership, coordination, and governance to the country. By bridging the President and the Cabinet, the Prime Minister ensures effective administration and embodies the government's democratic mandate.

7. **Discuss the role of the Prime Minister as the real executive authority in India.**

Ans:- The Prime Minister of India is the real executive authority in the Indian political system, wielding significant powers across executive, legislative, and political domains. While the President is the nominal head of state, the Prime Minister leads the government and directs the administration.

Key aspects of the Prime Minister's role as the real executive authority include:

- Head of the Council of Ministers: The Prime Minister leads the Cabinet and selects ministers, assigns portfolios, and coordinates their activities. All ministers, including the Prime Minister, act collectively and are responsible to the Lok Sabha.
- Chief Advisor to the President: According to Article 74, the Prime Minister advises the President on all executive matters, effectively guiding the President's decisions. The President acts on the advice of the Prime Minister and Cabinet in all constitutional functions.
- Leader of the Government in Parliament: The Prime Minister controls government business in Parliament, guides legislative priorities, and represents the government's policies. He enjoys majority support in the Lok Sabha, which legitimizes his authority.
- Policy and Decision-Making Hub: The Prime Minister is pivotal in formulating policies across various sectors, setting the government's agenda, and maintaining political stability within the Cabinet and Parliament.
- Control Over Ministries and Bureaucracy: The Prime Minister exercises substantial control over the administrative machinery and public services, ensuring the execution of government policies and coordination across ministries.
- Crisis Management and Leadership: The PM plays a crucial role during national crises, making key decisions related to security, foreign policy, and governance to maintain national unity and stability.
- Representation and Diplomacy: Serving as the face of the Indian government, the Prime Minister represents the country internationally, fostering diplomatic relations and shaping foreign policy.
- Political Leadership and Party Control: The Prime Minister commands significant influence over the ruling party or coalition, thereby shaping legislative and electoral strategies.

The Prime Minister of India is the central figure in the executive branch, holding real authority and responsibility for governance and policy implementation. Although constitutionally a part of a collective ministry, the

PM's leadership, political power, and control over administration make the office the commanding force in India's parliamentary democracy. This role ensures efficient governance, coordination between the executive and legislative branches, and maintains democratic accountability.

8. Describe the composition of the Union Council of Ministers.

Ans:- The Union Council of Ministers is the key executive organ of the Government of India responsible for aiding and advising the President in the exercise of his functions. It is headed by the Prime Minister and comprises different categories of ministers working together to govern the country.

Composition of the Union Council of Ministers:

- Prime Minister: The head of the Union Council of Ministers and the leader of the government. The Prime Minister presides over the Council and is the chief coordinator of ministerial activities.
- Cabinet Ministers: They are senior ministers who head important ministries and departments. They form the core decision-making body called the Union Cabinet, which meets regularly to take important policy decisions.
- Ministers of State (Independent Charge): These are junior ministers in charge of specific ministries but do not report to any Cabinet Minister. They have full responsibility for their ministries.
- Ministers of State: These junior ministers assist Cabinet Ministers and work under them, responsible for specific areas or projects within a ministry.

The Constitution limits the size of the Council of Ministers to 15% of the total members of the Lok Sabha, ensuring manageability and efficiency. All ministers must be members of either House of Parliament and can continue in office for a maximum of six months without being members.

The Union Cabinet, a subset of the Council, holds collective responsibility to the Lok Sabha, meaning it must maintain the confidence of the lower house to remain in power.

The Union Council of Ministers is a composite body encompassing senior and junior ministers working under the leadership of the Prime Minister. Its flexible composition allows it to cater to the administrative needs of the government while ensuring democratic representation and accountability. This multi-tier structure ensures efficient governance and policy implementation in the largest democracy of the world.

9. Explain the powers and functions of the Union Council of Ministers.

Ans:- The Union Council of Ministers is the principal executive authority in India's parliamentary system and plays a crucial role in decision-making, policy formulation, and administration. It functions under the leadership of the Prime Minister and is collectively responsible to the Lok Sabha.

Powers and Functions of the Union Council of Ministers:

- Executive Powers:
  The Council exercises all executive powers of the Union government and is responsible for implementing laws and policies. It directs and controls governmental departments, administers the country, and conducts foreign relations and defense matters.
- Legislative Powers:
  Ministers are responsible for introducing and guiding most bills in Parliament. The Council coordinates government business in Parliament and ensures passage of legislation backed by the ruling party. It exercises control over the legislative agenda and manages the daily functioning of both Houses.
- Financial Control:
  The Council frames the budget and controls public finances. The approval of the Council is necessary for any expenditure from the Consolidated Fund of India.
- Collective Responsibility:
  As per Article 75, the entire Council is collectively responsible to the Lok Sabha. If a no-confidence motion is passed, all ministers must resign, emphasizing their accountability to the elected House.

- Policy Formulation:
  The Council formulates national policies on all matters within the Union jurisdiction, including social, economic, and political issues, steering the country's development.
- Crisis Management:
  The Council acts as the chief crisis manager during emergencies such as internal disturbances, financial crises, or natural disasters, coordinating all government efforts.
- Appointments and Administration:
  It oversees appointments to key positions in ministries and government departments, ensuring smooth functioning of the public administration.
- Advisory Role:
  The Council advises the President on all matters of governance, and the President acts on their recommendations.

The Union Council of Ministers, with its vast executive, legislative, financial, and advisory powers, represents the backbone of India's governance. Under the Prime Minister's leadership, it ensures unified policy formulation, effective execution of government functions, and democratic accountability to Parliament, thus embodying the real executive authority in the country's parliamentary democracy.

10. Discuss the principle of *collective responsibility* of the Council of Ministers.

Ans:- The principle of *collective responsibility* is a cornerstone of India's parliamentary system and is enshrined in Article 75(3) of the Indian Constitution. It means that the Union Council of Ministers, led by the Prime Minister, is collectively responsible to the Lok Sabha (the House of the People) for all decisions and policies.

Key features of collective responsibility include:

- Unified Accountability: All ministers are jointly accountable to the Lok Sabha for the government's actions and policies, meaning if a no-confidence

motion is passed against the Council, all ministers, including the Prime Minister, must resign.

- Binding Decisions: Decisions taken by the Council or Cabinet bind all ministers, even those who disagreed during discussions. Ministers must publicly support these decisions; failure to do so requires them to resign.
- Confidentiality: Discussions in the Cabinet or Council of Ministers are confidential to present a united front. This confidentiality helps maintain trust and encourages free expression during debates.
- Resignation on Loss of Confidence: If the Council loses majority support in the Lok Sabha, it must resign as a collective body. This ensures the government maintains the confidence of the elected representatives.
- Discipline and Unity: Collective responsibility enforces discipline among ministers, compelling them to work as a cohesive unit with shared goals.
- Prime Minister's Role: The Prime Minister enforces this principle, with the power to ask dissenting ministers to resign, ensuring Cabinet coherence and effective governance.
- Legislative Control: As the Council is accountable to the Lok Sabha, it ensures that executive actions align with the legislative will and democratic mandate.

The principle of collective responsibility ensures the Union Council of Ministers functions as a unified and accountable body, maintaining the essence of parliamentary democracy in India. It guarantees that ministers share equal responsibility for government actions and policies, preserving Cabinet solidarity and upholding democratic control through the Lok Sabha. This principle fosters political stability and coherent governance needed for effective administration.

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UNIT-4

The Legislature: Parliament- Composition, Powers and Functions, Relations between the Lok Sabha and the Rajya Sabha. The Judiciary: The Supreme Court- Composition and Jurisdiction, Judicial Review and Judicial Activism.

2-4 marks

1. **What is the composition of the Indian Parliament?**

   Ans:- The Indian Parliament consists of:

- The President of India
- The Lok Sabha (House of the People or Lower House)
- The Rajya Sabha (Council of States or Upper House).

2. **Mention any two powers of the Lok Sabha.**

1. **Ans:-** Legislative Powers: The Lok Sabha plays a central role in law-making for the country. Most bills are introduced here and require its approval to become law.
2. Financial Powers: The Lok Sabha has exclusive authority over financial matters, especially Money Bills. Only the Lok Sabha can introduce Money Bills, and the Rajya Sabha can only make recommendations but cannot reject or amend them.

3. **State two exclusive powers of the Rajya Sabha.**

1. **Ans:-** Power to Authorize Laws on State Subjects: The Rajya Sabha can empower the Parliament to make laws on subjects reserved for the State Legislature by passing a resolution with a two-thirds majority.
2. Creation of All-India Services: The Rajya Sabha can recommend the creation of All-India Services by passing a resolution with a two-thirds majority, which the Lok Sabha cannot do.

4. **Explain the financial relationship between the Lok Sabha and the Rajya Sabha.**

- **Ans:-** Money Bills can be introduced only in the Lok Sabha. The Rajya Sabha can only suggest changes, which the Lok Sabha may accept or reject.
- The Rajya Sabha must return Money Bills within 14 days, or they are deemed passed.
- The Lok Sabha has exclusive rights to grant money for government expenditure, and only the Lok Sabha votes on demands for grants in the budget, while the Rajya Sabha may only discuss them without voting rights

5. **How does the President play a role in the functioning of Parliament?**

- **Ans:-** The President is an integral part of Parliament and must give assent for bills to become law.
- The President summons and prorogues sessions of Parliament and can dissolve the Lok Sabha.
- The President addresses both houses at the start of the first session after each general election and every year.

6. **What is the composition of the Supreme Court of India?**

- **Ans:-** The Supreme Court consists of the Chief Justice of India and a sanctioned strength of up to 33 other judges, totaling 34 judges at full strength.
- Judges are appointed by the President of India.

7. **Define the term 'original jurisdiction' of the Supreme Court.**

- **Ans:-** Original Jurisdiction refers to cases that can be directly instituted in the Supreme Court. This includes disputes between the Government of India and one or more States or between two or more States.

8. **What is judicial review? Why is it important?**

- **Ans:-** Judicial Review is the power of the Supreme Court to examine the constitutionality of laws and executive orders.

- It is important because it protects the Constitution, safeguards fundamental rights, and ensures that all authorities act within the law.

9. **Differentiate between judicial review and judicial activism.**

   Ans:- Judicial review is the power of the judiciary to examine the constitutionality of legislative and executive actions, declaring them invalid if they violate the Constitution. Judicial activism, on the other hand, is when judges take a proactive role, using their interpretations to address societal issues and fill gaps in governance—going beyond mere constitutional scrutiny to advance justice and protect rights.

10. **Mention two functions of the Supreme Court as the guardian of the Constitution.**

1. **Ans:-** Ensuring the Supremacy of the Constitution: The Supreme Court interprets the Constitution and ensures that all laws and actions are consistent with its provisions.
2. Protection of Fundamental Rights: The Court can issue writs and direct authorities to uphold the fundamental rights of citizens.

8-10 marks

1. **Explain the composition of the Parliament of India. How is it different from State Legislatures?**

   Ans:- The Parliament of India is the supreme legislative body of the country, responsible for making laws and overseeing the functioning of the government. It is bicameral in nature and comprises three main components: the President of India, the Rajya Sabha (Council of States), and the Lok Sabha (House of the People).

   Composition of the Parliament of India:

- The President: The President is an integral part of Parliament but not a member of either house. The President has powers like summoning and proroguing Parliament sessions, giving assent to bills, and issuing ordinances when Parliament is not in session.

- Rajya Sabha (Council of States): This is the upper house of Parliament with a maximum strength of 250 members. Of these, 238 members represent the States and Union Territories and are elected indirectly by the elected members of the State Legislative Assemblies and Electoral Colleges in Union Territories. The remaining 12 members are nominated by the President for their expertise in fields like literature, science, art, and social service. Rajya Sabha is a permanent body and is not subject to dissolution, with one-third of its members retiring every two years.
- Lok Sabha (House of the People): The lower house consists of a maximum of 552 members, currently 543 members: 530 represent the States, and 13 represent the Union Territories, elected directly by the citizens of India based on universal adult suffrage. The Lok Sabha has a term of five years unless dissolved earlier.

Differences from State Legislatures:

- Bicameral vs. Unicameral: Parliament is mostly bicameral (Lok Sabha and Rajya Sabha), whereas most states have unicameral legislatures (only Legislative Assembly). Only a few states, like Uttar Pradesh, Bihar, have bicameral legislatures comprising Legislative Assembly and Legislative Council.
- Constitutional Role of the President: The President is part of the Parliament at the Union level, but there is no equivalent figure in State Legislatures. Governors, the heads of states, do not form part of the legislature.
- Representation and Election: Members of Parliament (especially Lok Sabha) are directly elected by the entire country's electorate, while state legislators represent smaller constituencies within the state. Rajya Sabha members are elected indirectly by state legislators, unlike most State Assembly members who are directly elected by people.
- Powers and Functions: Parliament deals with union and concurrent subjects and holds supremacy in matters related to national policy, defense, foreign affairs, and finance. State Legislatures handle state subjects but cannot legislate on union subjects except as permitted.

- Term: Lok Sabha has a fixed term of five years (subject to dissolution). State assemblies also have five-year terms but the Rajya Sabha is permanent.

The Indian Parliament, comprising the President, Rajya Sabha, and Lok Sabha, represents national interests through a bicameral, multi-layered composition ensuring wide representation and checks and balances. It contrasts with State Legislatures in structure, powers, and scope of governance, reflecting India's federal and democratic character that balances national unity and regional diversity.

2. **Discuss the legislative, financial and control powers of the Indian Parliament.**

Ans:- The Indian Parliament, as the supreme legislative authority, exercises extensive legislative, financial, and control powers essential for governance and accountability in the country.

Legislative Powers:

- The Parliament has exclusive power to make laws on subjects listed in the Union List under the Seventh Schedule. It can also legislate on Concurrent List subjects shared with State Legislatures, with Parliament's law prevailing in case of conflict.
- It holds residuary powers to legislate on matters not enumerated in any list.
- It can amend the Constitution (Article 368), subject to special procedure and majorities.
- Bills can be introduced in either House, and laws require the President's assent.
- Under special circumstances, Parliament can legislate on State List subjects, such as during national emergency or with state requests.

Financial Powers:

- Parliament controls the country's finances through the approval of the Union Budget, outlining government revenue and expenditure.

- Parliament has exclusive power to impose and regulate taxes such as income tax, customs, excise, and GST.
- It authorizes government spending through demands for grants and appropriation bills.
- The approval of money bills lies exclusively with Lok Sabha; Rajya Sabha can only recommend changes.
- It monitors government expenditure through committees like the Public Accounts Committee ensuring transparency and accountability.

Control Powers:

- Parliamentary control over the Executive is vital; the government is collectively responsible to the Lok Sabha.
- Members exercise control through question hours, debates, and motions including no-confidence motions which can topple the government.
- Parliament appoints committees to scrutinize policies, administration, and spending such as Estimates Committee and Committee on Public Undertakings.
- It exercises judicial powers like impeachment of the President or judges for constitutional violations.
- Parliament authorizes the proclamation of emergencies (national, state, financial) and determines their continuation.

The legislative, financial, and control powers of the Indian Parliament form the foundation of India's democratic governance. By making laws, controlling the purse, and holding the Executive accountable, Parliament ensures governmental transparency, adherence to constitutional norms, and effective policy implementation, thereby safeguarding the democratic rights of the citizens and maintaining the rule of law.

3. **How does the Parliament ensure accountability of the Executive? Illustrate with examples.**

Ans:- In the parliamentary democracy of India, the accountability of the Executive to the Parliament is a fundamental principle that ensures transparency, responsiveness, and responsible governance. Parliament functions as the watchdog over the government, scrutinizing its actions and policies to prevent misuse of power and uphold democratic values.

Mechanisms by which Parliament ensures Executive accountability:

- Question Hour and Zero Hour: Members of Parliament (MPs) can question ministers about policies, decisions, and administrative matters, compelling them to provide clarifications. Zero Hour allows raising urgent public issues without prior notice.
- Motions and Debates: Instruments like calling attention motions, adjournment motions, and debate sessions enable Parliament to discuss government performance and policies publicly, influencing executive actions.
- No-Confidence and Censure Motions: These are powerful tools where Parliament can express its lack of confidence in the government. The passage of a no-confidence motion results in the resignation of the entire Council of Ministers, ensuring government accountability.
- Financial Control: Parliament controls government expenditure by approving budgets and grants. Parliamentary committees such as the Public Accounts Committee (PAC) audit government accounts and highlight irregularities.
- Parliamentary Committees: Standing committees, select committees, and ad hoc committees scrutinize bills, government policies, and administrative functioning. Their reports hold the executive accountable and provide detailed analysis beyond parliamentary debates.
- Legislative Oversight: Parliament approves laws and policies proposed by the government, providing a platform to challenge executive proposals and demand justification.

- Annual Reports and Audits: The executive submits periodic reports and budgetary statements to Parliament, which monitors their implementation and outcomes.
- Examples:
    - The *Public Accounts Committee*'s scrutiny of corruption allegations in the Coalgate and 2G spectrum cases showcased parliamentary oversight.
    - The 1978 no-confidence motion against the Janata government and many such motions exemplify Parliament's power to hold the executive accountable.

Through these mechanisms, the Indian Parliament plays a vital role in ensuring that the Executive remains accountable, transparent, and responsive to elected representatives and, ultimately, to the people. This system of checks and balances upholds democratic governance by preventing arbitrary exercise of power and fostering continual scrutiny of government actions. However, challenges like disruptions and party dominance sometimes affect its effectiveness, warranting continuous reforms to strengthen parliamentary accountability.

4. **Examine the special powers of the Rajya Sabha in the Indian parliamentary system.**

Ans:- The Rajya Sabha, or Council of States, is the upper house of the Indian Parliament and plays an important role in the federal structure of India. In addition to sharing legislative powers with the Lok Sabha, the Rajya Sabha is vested with certain special powers to address the interests of states and preserve the federal balance.

Special Powers of the Rajya Sabha:

- Authorizing Parliament to Legislate on State Subjects (Article 249): Rajya Sabha can pass a resolution by a two-thirds majority empowering Parliament to make laws on matters listed in the State List when it considers it necessary in the national interest. This gives it the unique power to extend central legislative jurisdiction into state domains temporarily.

- Creation of All-India Services (Article 312):
  Rajya Sabha can authorize Parliament by a two-thirds majority to create new All-India Services shared by both the Union and states, enhancing administrative uniformity and coordination.

- Role During Emergencies:
  When the Lok Sabha is dissolved, the Rajya Sabha has the exclusive power to approve declarations of national emergency, state emergency (President's Rule), and financial emergency. This is because the Rajya Sabha is a permanent body and thus ensures continuity.

- Initiating Removal of the Vice-President (Article 67):
  Only Rajya Sabha can begin the process for removing the Vice-President through a resolution passed by an effective majority.

- Legislative Powers:
  Rajya Sabha participates in lawmaking—both ordinary and constitutional amendment bills require its approval. While it cannot reject or amend money bills, it can suggest recommendations.

- Review and Correction Role:
  As a permanent house, it provides a stabilizing influence and acts as a revising chamber, scrutinizing and revising legislation passed by the Lok Sabha to prevent hasty lawmaking.

- Representing States' Interests:
  Rajya Sabha protects the federal character by representing the interests of states in the central government and providing states a voice in national legislation.

  The Rajya Sabha, with its unique constitutional powers, acts as a guardian of federalism and provides legislative stability in India's parliamentary system. Its special powers to legislate on state subjects, create All-India services, and approve emergency proclamations strengthen the balance between the Union and the states, making it an indispensable institution for preserving the unity and diversity of the Indian federation.

5. **Discuss the nature of relations between the Lok Sabha and the Rajya Sabha in the legislative process.**

Ans:- The Lok Sabha and Rajya Sabha are the two Houses of the Indian Parliament and work together in the legislative process, but their relationship exhibits a unique balance of powers and functions.

Nature of Relations in the Legislative Process:

- Bicameral System: India follows a bicameral parliamentary system, where laws are made by both Houses, representing the people (Lok Sabha) and the states (Rajya Sabha). Both have to agree to most bills for them to become law, ensuring a system of checks and balances.
- Initiation of Bills: Both Houses can introduce most types of bills—ordinary and constitutional. However, Money Bills can only be introduced in the Lok Sabha, reflecting its superior control over financial matters.
- Legislative Powers: Lok Sabha enjoys primacy as it represents the direct will of the people. Rajya Sabha acts as a revising chamber with the power to delay and suggest amendments to bills but cannot reject Money Bills. It upholds federalism by representing state interests.
- Resolution of Disputes: In case of disagreement on ordinary bills, the Constitution allows a joint sitting of both Houses presided over by the Lok Sabha Speaker to resolve deadlocks. This mechanism underscores Lok Sabha's dominance in legislative matters.
- Review and Deliberation: Rajya Sabha provides valuable debate and scrutiny of legislation, offering detailed insights and safeguarding against hasty lawmaking. Its permanent nature ensures continuity of parliamentary review even when Lok Sabha is dissolved.
- Control Over Government: While Lok Sabha holds greater power in controlling the government (since it can pass no-confidence motions), Rajya Sabha exercises indirect control through debates, questions, and votes on important bills.

- Legislative Initiatives: Certain bills, like Money Bills and Financial Bills, are the exclusive preserve of the Lok Sabha, limiting the Rajya Sabha's role in financial legislation.

The relationship between Lok Sabha and Rajya Sabha in the legislative process is cooperative yet hierarchical. Lok Sabha holds greater legislative supremacy reflecting its electoral mandate, especially on financial matters, while Rajya Sabha plays a critical supportive and revising role ensuring regional interests and policy depth. This delicate interplay fosters a balanced, federal, and effective parliamentary system in India.

6. Describe the composition and jurisdiction of the Supreme Court of India.

Ans:- The Supreme Court of India stands at the apex of the Indian judicial system and serves as the guardian of the Constitution. It ensures justice, protects fundamental rights, and maintains the supremacy of the Constitution.

Composition of the Supreme Court:

- The Supreme Court consists of the Chief Justice of India (CJI) and a maximum of 33 other judges, making a total strength of 34.
- Judges are appointed by the President of India after consultation with the Chief Justice and other senior judges of the Supreme Court and High Courts.
- Judges must be Indian citizens and must have been either a judge of a High Court for at least five years, or an advocate of a High Court for at least ten years, or must be considered a distinguished jurist.
- Supreme Court judges retire at the age of 65.
- The Chief Justice has the power to constitute benches of two or more judges. Cases involving constitutional questions are often heard by a larger bench (five or more judges).

Jurisdiction of the Supreme Court:

- Original Jurisdiction: The Court has original jurisdiction in cases involving disputes between the Union and States or among States themselves. It also handles cases related to the enforcement of fundamental rights.
- Appellate Jurisdiction: The Supreme Court hears appeals against judgments of the High Courts and other courts in the country, including constitutional, criminal, and civil appeals.
- Constitutional Jurisdiction: It has the power to interpret the Constitution, review constitutional amendments, and ensure that the Constitution is upheld.
- Advisory Jurisdiction: The President may refer questions of law or fact to the Supreme Court for advisory opinions.
- Writ Jurisdiction: Under Article 32, the Supreme Court can issue writs for the enforcement of fundamental rights.

The Supreme Court of India, with its distinguished composition and wide jurisdiction, is the highest judicial authority in the country. Through its original, appellate, advisory, and constitutional powers, it ensures justice, protects fundamental rights, and upholds the Constitution, thereby securing the rule of law and democratic governance in India.

7. **Explain the concept of Judicial Review. Why is it important in the Indian context?**

Ans:- Judicial Review is a crucial feature of the Indian Constitution that empowers the judiciary, particularly the Supreme Court and High Courts, to examine and invalidate laws or executive actions that contravene the Constitution. This function safeguards the supremacy of the Constitution and protects citizens' fundamental rights.

Concept of Judicial Review:

- It is the power of the judiciary to review the constitutionality of legislative enactments and executive orders of both the Central and State governments.

- If a law or executive action is found to be inconsistent with the Constitution (ultra vires), the courts can declare it null and void, thereby preventing its enforcement.
- Judicial Review also extends to the interpretation and enforcement of fundamental rights guaranteed by the Constitution.
- Though the term "judicial review" is not explicitly mentioned in the Constitution, Articles 13, 32, 131-136, 143, 226, and 246 provide its legal basis.
- The Supreme Court's landmark Kesavananda Bharati case (1973) established that Judicial Review is part of the Constitution's "basic structure," which cannot be abrogated even by constitutional amendments.

Importance in the Indian Context:

- Protection of Fundamental Rights: Judicial review ensures that no law or executive action infringes upon the basic freedoms guaranteed to every citizen.
- Maintaining Constitutional Supremacy: It upholds the Constitution as the supreme law, preventing arbitrary use of power by legislature or executive.
- Check on Abuse of Power: Judicial review acts as a check and balance against legislative or executive excesses, preventing authoritarianism and misuse.
- Federal Balance: It resolves conflicts arising from the division of powers between the Union and the States, ensuring harmonious federal relations.
- Promotes Rule of Law: By ensuring that laws conform to constitutional provisions, judicial review supports the principle that all must abide by the law, enhancing legal stability and justice.

Judicial Review is a vital mechanism that empowers the judiciary to protect the Constitution, uphold fundamental rights, and maintain the democracy and rule of law in India. By acting as a guardian against unconstitutional laws and actions, it preserves the integrity and spirit of the Indian Constitution, reinforcing faith in the democratic governance system.

8. **Distinguish between Judicial Review and Judicial Activism. Give suitable examples.**

Ans:- Judicial Review and Judicial Activism are two important concepts relating to the role of the judiciary in India, reflecting different approaches toward judicial intervention in governance and law.

Judicial Review:

- Definition: It is the power of the judiciary, mainly the Supreme Court and High Courts, to examine the constitutionality of legislative and executive actions and declare them void if they violate the Constitution.
- Nature: Primarily reactive. The judiciary steps in only when a case is brought before it challenging a law or government action.
- Purpose: To uphold the supremacy of the Constitution, protect fundamental rights, and maintain the rule of law.
- Scope: Limited to reviewing laws and executive orders for constitutionality.
- Example: In *Navtej Singh Johar v. Union of India* (2018), the Supreme Court struck down Section 377 of the IPC, decriminalizing consensual homosexual acts, affirming constitutional rights to equality and dignity.

Judicial Activism:

- Definition: It refers to the proactive role the judiciary takes in protecting citizens' rights and addressing social issues, sometimes going beyond traditional legal boundaries, often involving the interpretation of laws to ensure justice.
- Nature: Proactive and expansive. The courts actively initiate actions, especially in Public Interest Litigations (PILs), to address governance gaps or social injustices.
- Purpose: To enforce constitutional morality, fill governance gaps, and bring about social reforms.
- Scope: Includes policy shaping, directing governments, and expanding rights.

- Example: In *Vishaka v. State of Rajasthan* (1997), the Supreme Court laid down guidelines to prevent sexual harassment at the workplace, filling a legislative vacuum through judicial intervention.

Key Differences:

- Judicial Review focuses on constitutionality and legality, while Judicial Activism focuses on justice and social welfare.
- Judicial Review is case-driven, whereas Judicial Activism may be suo motu or through PIL.
- Judicial Review preserves the balance of power by checking legislative/ executive excesses; activism sometimes involves the judiciary taking over functions of other branches, leading to debates about overreach.

Both Judicial Review and Judicial Activism serve as vital instruments for protecting constitutional governance and social justice in India. While Judicial Review safeguards constitutional integrity and fundamental rights by restraining unlawful actions, Judicial Activism ensures dynamic judicial engagement with contemporary challenges and governance failures, fostering progressive change within the framework of the Constitution. Their proper balance is essential to maintain judicial independence and democracy.

9. How does the Supreme Court act as the guardian of the Constitution?

Ans:- The Supreme Court of India plays a vital role as the guardian of the Constitution, ensuring its supremacy and preserving democratic governance. Established under Article 124 of the Constitution, it is the apex judicial authority entrusted with safeguarding constitutional values and individual rights.

How the Supreme Court Acts as the Guardian of the Constitution:

- Judicial Review: The Supreme Court has the power to review laws and executive actions to ensure they conform to the Constitution. If any law or action violates constitutional provisions, the Court can declare it unconstitutional and null. This power ensures no authority exceeds its constitutional limits.

- Protection of Fundamental Rights: Under Article 32, the Supreme Court protects citizens' fundamental rights by hearing petitions and issuing writs such as habeas corpus, mandamus, certiorari, prohibition, and quo warranto. It acts as a bulwark against infringement of basic rights.
- Final Interpreter of the Constitution: The Supreme Court is the ultimate interpreter of the Indian Constitution. Its judgments are binding on all courts and authorities, ensuring uniform application of constitutional principles across the country.
- Original and Appellate Jurisdiction: It resolves disputes between the Union and States, protects federalism, and hears appeals from High Courts on various legal and constitutional matters, maintaining judicial coherence.
- Advisory Powers: Under Article 143, the Court advises the President on important questions of law, helping clarify constitutional ambiguities and guiding governance.
- Contempt Power: The Court safeguards its authority and the rule of law through contempt powers, ensuring respect for judicial processes.
- Protection of Constitutional Amendments: The Supreme Court upholds the basic structure doctrine, ensuring amendments do not alter the Constitution's fundamental framework, as established in the Kesavananda Bharati case.

The Supreme Court acts as the vigilant guardian of the Indian Constitution by enforcing constitutional supremacy, protecting fundamental rights, and maintaining the balance of power. Its authority to interpret, review, and uphold constitutional principles ensures the rule of law and democratic governance, preserving India's constitutional democracy for the welfare of its citizens.

10. Discuss the role of the Supreme Court in protecting Fundamental Rights in India.

Ans:- The Supreme Court of India plays a crucial role in protecting Fundamental Rights, which are the cornerstone of Indian democracy and the Constitution. It acts as the ultimate guardian and enforcer of these rights to ensure that individuals enjoy their freedoms without undue interference.

Role of the Supreme Court in Protecting Fundamental Rights:

- Right to Constitutional Remedies (Article 32): The Constitution grants every citizen the right to approach the Supreme Court directly if their Fundamental Rights are violated. This right is itself a Fundamental Right, often called the "heart and soul" of the Constitution.
- Issuing Writs: The Supreme Court has the power to issue writs—such as habeas corpus, mandamus, prohibition, certiorari, and quo warranto—to protect Fundamental Rights and provide immediate relief against violations by the state or other authorities.
- Judicial Review: The Court exercises judicial review to invalidate laws or government actions that violate Fundamental Rights or contradict the Constitution. Article 13 specifically mandates that any law inconsistent with Fundamental Rights is void.
- Public Interest Litigation (PIL): The Supreme Court has expanded access to justice through PILs, allowing concerned citizens or groups to file petitions on behalf of disadvantaged or marginalized groups whose rights are endangered.
- Expanding Interpretation: Through landmark judgments, such as in *Maneka Gandhi v. Union of India* and *Kesavananda Bharati v. State of Kerala*, the Court has expanded the scope of Fundamental Rights, especially the right to life and personal liberty under Article 21, to include various derivative and new rights.
- Protection from Executive and Legislative Overreach: The Supreme Court guards against arbitrary or excessive use of power by government authorities, ensuring that the balance of power respects citizens' constitutional freedoms.
- Enforcing Equality: It upholds the right to equality by striking down discriminatory laws and practices that violate Articles 14, 15, and 17, among others.

The Supreme Court plays a pivotal role in protecting Fundamental Rights by enforcing constitutional remedies, interpreting rights expansively, and

holding the executive and legislature accountable. It acts as a beacon of justice and a key protector of democratic freedoms in India, thus ensuring that the rights and liberties guaranteed by the Constitution are meaningful and effective for every citizen.

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UNIT-5

Political Institutions at the Local Level: Panchayati Raj Institution and Urban Local Bodies. Discussion on 6th Schedule with reference to Administration of Dima Hasao and Karbi Anglong districts of Assam.

2-4 marks

1. **What is the 73rd Constitutional Amendment Act (1992) and why is it significant for Panchayati Raj Institutions (PRIs)?**

   Ans:- The 73rd Constitutional Amendment Act, 1992, provided constitutional status to Panchayati Raj Institutions (PRIs), mandating a three-tier system (village, intermediate, and district levels) for rural self-government in India. This Act made local democracy more robust by ensuring regular elections, reservation of seats for SCs, STs, and women, and devolution of powers for planning and local governance. It transformed PRIs into true institutions of self-government and participatory democracy, allowing rural residents to directly influence development and governance.

2. **Mention any two features of the Panchayati Raj system in India.**

- **Ans:-** Three-tier Structure: It consists of Gram Panchayat at the village level, Panchayat Samiti at the intermediate level, and Zila Parishad at the district level.
- Reservation of Seats: There is mandatory reservation of seats for Scheduled Castes, Scheduled Tribes, and women at all levels of the Panchayat system.

3. **Differentiate between Panchayati Raj Institutions (rural local bodies) and Urban Local Bodies.**

- **Ans:-** Panchayati Raj Institutions: These are rural local bodies established under the 73rd Amendment Act, responsible for self-governance at the village, block, and district levels in rural areas.
- Urban Local Bodies: These are municipal entities (municipal corporations, municipalities, and Nagar panchayats) established under the 74th Amendment Act, 1992, responsible for urban governance and administration.

4. **What are the main functions of Gram Panchayat at the village level?**

- **Ans:-** Implements government schemes related to development, sanitation, education, and welfare.
- Maintains basic infrastructure and public facilities like drinking water, roads, streetlights, and community resources.

5. **Name the three tiers of Panchayati Raj system in India.**

1. **Ans:-** Gram Panchayat (village level)
2. Panchayat Samiti (intermediate/block level)
3. Zila Parishad (district level)

6. **What is the purpose of the 6th Schedule of the Indian Constitution?**

Ans:- The 6th Schedule provides for autonomous administration of tribal areas in Assam, Meghalaya, Tripura, and Mizoram, granting autonomous district councils powers over legislative, executive, and judicial matters to safeguard tribal customs and provide self-government.

7. **Name the two autonomous district councils of Assam that are governed under the 6th Schedule.**

- **Ans:-** Karbi Anglong Autonomous Council
- Dima Hasao Autonomous Council

8. **Explain the special administrative powers of the Karbi Anglong Autonomous Council.**

Ans:- Karbi Anglong Autonomous Council has legislative, administrative, and judicial powers across subjects like land, forest, water resources, village administration, social customs, and cultural preservation, empowering it to govern local matters autonomously within the district's jurisdiction.

9. **How is the administration of Dima Hasao district different from Panchayati Raj Institutions?**

Ans:- Dima Hasao district is managed by the Dima Hasao Autonomous Council under the 6th Schedule, which has legislative and executive

authority over a broad range of subjects and functions independently of the Panchayati Raj system, focusing specifically on tribal interests and customs rather than the standardized panchayat-based tier system found elsewhere in rural India.

10. Why was the 6th Schedule included in the Constitution?

Ans:- The 6th Schedule was included in the Constitution to provide for autonomous administration and protect the rights, land, and cultural identity of tribal communities in the northeastern states of Assam, Meghalaya, Tripura, and Mizoram. This was done to safeguard these populations from exploitation and help them self-govern their affairs.

8-10 marks

1. **Explain the three-tier structure of the Panchayati Raj System in India. How does it ensure democratic decentralisation?**

Ans:- The Panchayati Raj System in India is a decentralized form of governance where local government bodies at various levels administer rural areas. It is based on a three-tier structure established to strengthen democratic decentralization and empower local self-government institutions.

Three-Tier Structure of Panchayati Raj:

- Gram Panchayat (Village Level):
  It is the basic unit of local governance at the village level. The Gram Panchayat comprises elected representatives from the village, including a Sarpanch (head) who is directly or indirectly elected. It is responsible for addressing local issues related to water supply, sanitation, welfare programs, and basic infrastructure. The Gram Sabha, which consists of all registered voters in the village, acts as a feedback and supervisory body for the Panchayat.
- Panchayat Samiti (Block/Intermediate Level):
  The Panchayat Samiti operates at the intermediate or block level and acts as a link between the Gram Panchayat and Zila Parishad. It coordinates development activities and implements government schemes across multiple

Gram Panchayats within its jurisdiction. Members include elected representatives and ex-officio members like MPs and MLAs. The Panchayat Samiti oversees agriculture, education, health, sanitation, and rural development at the block level.

- Zila Parishad (District Level):
  This is the top tier of the Panchayati Raj system functioning at the district level. It consolidates and directs developmental programs in the district, supervises Panchayat Samitis and Gram Panchayats, and prepares district-level plans. It includes elected members, MPs, MLAs, and administrative officials. The Zila Parishad manages finance and plans more extensive projects and infrastructure.

How it Ensures Democratic Decentralisation:

- Local Participation: By transferring power to village-level institutions directly elected by people, Panchayati Raj facilitates grassroots democracy and citizen involvement.
- Distribution of Power: The three levels distribute authority, ensuring governance and development decisions reflect local needs and conditions instead of central imposition.
- Accountability: Panchayats are accountable to their local constituencies through regular elections, Gram Sabha meetings, and social audits, enhancing transparency.
- Empowerment of Marginalized Groups: Reserved seats for Scheduled Castes, Scheduled Tribes, and women promote inclusive governance.
- Administrative and Financial Autonomy: Each tier has specific functions and controls resources, enabling effective local self-governance.

The three-tier Panchayati Raj system institutionalizes democratic decentralization by devolving power progressively from the district to village levels. It promotes participative governance, empowers local communities to address their issues, and ensures development reflects local priorities, reinforcing democracy and development in rural India.

2. **Discuss the functions and powers of the Gram Panchayat. Give suitable examples.**

   Ans:- The Gram Panchayat is the grassroots-level institution in India's Panchayati Raj system, responsible for the administration and development of a village or a group of villages. It empowers local self-governance and serves as a vital link between rural citizens and the government.

   Functions of the Gram Panchayat:

- Implementation of Development Schemes: It executes government programs related to agriculture, education, health, sanitation, rural infrastructure, and poverty alleviation within the village.
- Local Infrastructure Maintenance: The Panchayat is responsible for the construction and upkeep of village roads, bridges, water supply systems, drainage, street lighting, and public buildings like schools and hospitals.
- Taxation and Revenue Collection: It levies and collects local taxes such as house tax, water tax, and fees from markets and fairs to fund its activities.
- Welfare and Social Justice: The Gram Panchayat promotes family welfare, supports marginalized groups including Scheduled Castes and Tribes, and runs schemes for women and child development.
- Health and Sanitation: It manages public health activities, vaccination drives, disease prevention, and maintenance of sanitation and hygiene in the village.
- Dispute Resolution: Some Panchayats hold Nyaya Panchayats or village courts to resolve minor disputes, promoting local justice.
- Record Keeping: It maintains vital statistics such as births, deaths, and property ownership within the village.
- Mobilization and Awareness: The Panchayat mobilizes villagers in social welfare programs, emergency relief, and community development activities, fostering democratic participation.

  Examples:

- The Gram Panchayat in many villages implements the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) to provide employment to rural households.
- It may organize cleanliness drives and awareness campaigns under the Swachh Bharat Mission.
- Some Gram Panchayats oversee the management of local water bodies and irrigation facilities to support agriculture.

The Gram Panchayat, through its multifaceted functions and powers, plays a crucial role in rural development and democratic decentralization. It brings governance closer to the people, facilitates participatory democracy, ensures efficient delivery of government schemes, and fosters social and economic progress at the village level.

3. What role does the Panchayati Raj Institution play in rural development and social justice?

Ans:- The Panchayati Raj Institution (PRI) plays a pivotal role in rural development and social justice in India by decentralizing governance and bringing administration closer to the grassroots.

Role of Panchayati Raj Institutions in Rural Development:

- Implementation of Development Schemes: PRIs serve as the primary channel for executing government rural development programs such as MGNREGA (employment), PMAY (housing), and rural infrastructure development.
- Local Resource Management: They manage local resources like water bodies, forests, and common lands, promoting sustainable development and equitable resource distribution.
- Agricultural and Economic Development: PRIs facilitate agricultural extension services, enhance irrigation, and promote rural industries and self-employment, driving economic upliftment.

- Infrastructure Development: They oversee the construction and maintenance of roads, schools, sanitation facilities, and drinking water projects, improving the quality of rural life.

Role in Promoting Social Justice:

- Inclusive Governance: Through constitutional provisions, PRIs ensure representation of Scheduled Castes, Scheduled Tribes, and women via reserved seats, promoting political empowerment of marginalized groups.
- Addressing Social Inequalities: PRIs work on welfare schemes targeting disadvantaged sections, facilitating access to education, health services, and social security benefits.
- Enhancing Participation: They encourage community involvement through Gram Sabhas, empowering people to participate in decision-making and holding local representatives accountable.
- Conflict Resolution: PRIs often act as mediators in resolving social and inter-community disputes, maintaining harmony at the village level.

Examples:

- Many PRIs have successfully implemented sanitation and hygiene drives under the Swachh Bharat Mission, improving public health standards.
- PRIs monitor the distribution of pensions and scholarships for disadvantaged groups, ensuring social justice outreach.
- Women's self-help groups promoted by PRIs contribute to financial independence and social empowerment.

Panchayati Raj Institutions are instrumental in fostering rural development and social justice by ensuring participatory democracy, equitable resource distribution, and inclusive governance. They bridge the gap between the government and rural communities, enhancing accountability and empowering marginalized sections, thereby promoting holistic and sustainable rural progress in India.

4. **Examine the composition, powers, and responsibilities of Urban Local Bodies (Municipalities and Municipal Corporations).**

Ans:- The Urban Local Bodies (ULBs) in India form the foundation of urban governance and administration. These institutions are responsible for managing the civic and infrastructural needs of urban areas and ensuring participatory local governance.

Composition of Urban Local Bodies:

- Municipal Corporations:
  They govern large metropolitan cities with populations exceeding one million (e.g., Mumbai, Delhi, Kolkata). The corporation consists of elected councilors from various wards, headed by a Mayor. The Mayor is supported by a Deputy Mayor and an elected council that deliberates on urban issues. Administrative functions are carried out by a Municipal Commissioner appointed by the state government.
- Municipalities (Municipal Councils):
  These govern smaller cities and towns with populations less than one million. Municipalities consist of elected members representing wards, headed by a Chairperson or President with the help of a Vice-Chairperson. Administrative powers rest with an appointed Executive Officer.
- Nagar Panchayats:
  They administer transitional areas moving from rural to urban. They are headed by a Chairperson with elected members from wards.

Powers of Urban Local Bodies:

- Legislative Powers:
  Urban Local Bodies have the authority to enact local laws and regulations for maintaining public order, sanitation, urban planning, and building regulations.
- Taxation and Revenue Powers:
  ULBs levy taxes such as property tax, water tax, entertainment tax, and collect fees for market places and licenses to generate revenue for urban services.

- Urban Planning and Development:
  They prepare plans for town development, regulate land use, and oversee solid waste management, water supply, drainage, and public health.
- Social Welfare Functions:
  ULBs administer welfare schemes related to education, health, slum improvement, poverty alleviation, and support city cleanliness drives.

Responsibilities of Urban Local Bodies:

- Provision of Basic Amenities:
  Ensuring supply of drinking water, maintaining street lighting, road cleaning, and sewage disposal.
- Health and Public Sanitation:
  Managing urban health centers, vaccination programs, waste management, and control over communicable diseases.
- Infrastructure Maintenance:
  Repairing roads, bridges, parks, and public spaces within their jurisdiction.
- Regulation and Licensing:
  Granting licenses for trade, running markets, and controlling building construction and fire safety standards.
- Promoting Civic Engagement:
  Encouraging public participation through ward committees and citizen forums to enhance transparency and accountability.

Urban Local Bodies—Municipal Corporations, Municipalities, and Nagar Panchayats—serve as the pillars of democratic urban governance by managing the complex needs of growing cities and towns. Their composition, vested powers, and responsibilities enable them to ensure sustainable urban development, effective delivery of essential services, and strengthen participatory democracy at the local level, thereby improving the quality of life for urban residents in India.

5. **Compare and contrast the Panchayati Raj Institutions with Urban Local Bodies in terms of structure and functions.**

Ans:- The Panchayati Raj Institutions (PRIs) and Urban Local Bodies (ULBs) are key pillars of local governance in India, catering to rural and urban areas respectively. Both promote decentralized governance but differ in their structure and functions due to the contrasting needs of rural and urban populations.

Structure:

- Panchayati Raj Institutions:
  PRIs operate under a three-tier system—Gram Panchayat at the village level, Panchayat Samiti at the intermediate/block level, and Zila Parishad at the district level. These institutions comprise elected representatives from respective constituencies, with leadership chosen either directly or indirectly.
- Urban Local Bodies:
  ULBs include Municipal Corporations (for large cities), Municipalities (for smaller towns), and Nagar Panchayats (for transitional areas). Members are elected ward-wise, and administrative officers like Municipal Commissioners are appointed by state governments.

Functions:

- Panchayati Raj Institutions:
  Their functions include rural development, agricultural support, water management, sanitation, local infrastructure (roads, schools), implementation of welfare schemes, and promotion of social justice for marginalized communities. PRIs focus on grassroots development and participative democracy through Gram Sabhas.
- Urban Local Bodies:
  ULBs handle urban planning, maintenance of urban infrastructure (roads, street lighting, drainage), water supply, solid waste management, public health, sanitation, and regulation of building construction and urban markets. They also collect taxes and licenses to fund urban services.

Key Contrasts:

- PRIs primarily address rural concerns such as agriculture, land management, and social welfare, while ULBs deal with urban issues like city planning, traffic management, and public utilities.
- PRIs have a three-tier elected structure reflecting rural administrative units, whereas ULBs have a simpler two or three-tier system adapted to urban administrative divisions.
- State governments appoint key administrators (Municipal Commissioners) in ULBs but not in PRIs where elected members are more autonomous.
- PRIs emphasize direct citizen participation through Gram Sabhas, whereas ULBs rely more on elected councils and committees.

While both Panchayati Raj Institutions and Urban Local Bodies aim at decentralized governance and improving local administration, their differing structures and functions reflect the diverse needs of rural and urban populations. Together, they promote inclusive development, participative democracy, and efficient delivery of services across India's varied socio-economic landscape.

6. What is the significance of the 6th Schedule of the Indian Constitution? How does it safeguard the interests of tribal communities?

Ans:- The Sixth Schedule of the Indian Constitution holds special significance as it provides for the administration and governance of tribal areas in specific Northeastern states, ensuring autonomy and protection for tribal communities.

Significance of the Sixth Schedule:

- Autonomous Administration: It empowers the creation of Autonomous District Councils (ADCs) and Regional Councils in tribal areas of Assam, Meghalaya, Tripura, and Mizoram, allowing tribal communities to manage their affairs independently within the framework of the Indian state.
- Preservation of Tribal Identity: It safeguards tribal cultural, social, and economic identity by granting legislative and executive powers to local councils to govern according to their customs and traditions.

- Protection of Tribal Lands and Resources: The Schedule restricts the transfer of land to non-tribal individuals, thereby protecting tribal territories and natural resources from alienation and exploitation.
- Flexible Governance: The Governor of each state can organize and reorganize autonomous districts and regions, providing adaptability to the unique requirements of various tribal groups.
- Legislative Powers: ADCs can legislate on matters such as land management, forest conservation, agriculture, inheritance, village administration, and social customs, ensuring local self-governance.

How it Safeguards Tribal Interests:

- Self-Governance through Local Councils: Councils consisting mainly of elected tribal representatives exercise judicial, legislative, and executive authority, enabling tribes to control governance and development programs.
- Judicial Authority: Autonomous councils have powers to constitute village courts to deal with certain civil and criminal cases according to customary law, ensuring participative justice.
- Control Over Resources and Development: Tribal areas enjoy special rights over natural resources, forests, and water bodies, preventing external exploitation.
- Fiscal Autonomy: The Schedule provides for financial autonomy, including grants from the central government to support tribal development.
- Political Representation and Empowerment: The autonomous councils ensure political participation of tribal communities, fostering empowerment and inclusion.

The Sixth Schedule is a constitutional safeguard that recognizes the distinct status of tribal communities in Northeast India by granting them autonomy and control over their land, culture, and governance. It plays a crucial role in preserving tribal identity, promoting self-governance, and protecting indigenous rights while integrating these regions within India's democratic framework.

7. **Discuss the administrative structure of Autonomous District Councils under the 6th Schedule with special reference to Dima Hasao district.**

Ans:- The Autonomous District Councils (ADCs) under the Sixth Schedule of the Indian Constitution hold special importance for tribal areas such as Dima Hasao district in Assam, designed to protect tribal autonomy and preserve their unique cultural identity.

Administrative Structure of Autonomous District Councils:

- Composition:
  Each Autonomous District Council consists of up to 30 members. Out of these, up to four members are nominated by the Governor of the state, while the majority are elected directly by the tribal population through adult suffrage. The elected members serve a five-year term unless the council is dissolved earlier.
- Executive Wing:
  The ADCs have an executive committee headed by the Chief Executive Member (CEM), who leads the council's executive functions. The committee is responsible for implementing council decisions and managing administrative affairs.
- Legislative Powers:
  ADCs possess legislative authority to frame laws on matters such as land management, forest resources (except reserved forests), inheritance, marriage, social customs, village administration, and regulating money lending and trade by non-tribals within their jurisdiction. However, all laws enacted must receive the Governor's assent before becoming effective.
- Judicial Powers:
  The councils may constitute Village and District Council Courts to adjudicate disputes among tribal inhabitants related to civil and minor criminal cases based on customary laws. These councils ensure local justice while higher courts retain appellate jurisdiction.
- Financial Powers:
  ADCs can prepare budgets, levy taxes on professions, trades, vehicles, and

goods, and collect land revenue. They may also grant leases for mineral exploitation, helping finance development within the district.

Special Reference to Dima Hasao District:

- Dima Hasao district, formerly known as North Cachar Hills, falls under this autonomous framework with its own ADC.
- The Dima Hasao Autonomous District Council governs local administration and development, conserving tribal customs and delivering essential services in hilly and remote areas.
- It coordinates infrastructural development, health, education, and agricultural activities tailored to the unique topography and socio-cultural characteristics of the region.

The administrative structure of Autonomous District Councils under the Sixth Schedule, exemplified by Dima Hasao district, offers tribal communities substantial self-governance within the Indian constitutional setup. With legislative, executive, judicial, and financial powers, these councils uphold tribal autonomy, preserve cultural heritage, and promote locally relevant development, ensuring both democratic participation and protection of tribal interests in India's diverse socio-political landscape.

8. **Explain how the Karbi Anglong Autonomous Council functions under the provisions of the 6th Schedule.**

Ans:- The Karbi Anglong Autonomous Council (KAAC) functions under the special provisions of the Sixth Schedule of the Indian Constitution, designed to grant tribal communities autonomy for self-governance and protection of their cultural identity.

Functions of the Karbi Anglong Autonomous Council:

- Composition:
  The KAAC consists of 30 members, with 26 directly elected representatives and 4 nominated by the Governor to represent minorities. The council members serve a five-year term.

- Executive Branch:
  The executive authority lies with the Executive Committee, headed by the Chief Executive Member (CEM) elected by the council and approved by the Governor. The CEM nominates members to the committee, which is responsible for day-to-day administration and policy implementation.
- Legislative Role:
  The council holds quarterly sessions where it enacts laws and regulations on subjects assigned under the Sixth Schedule. These include land management, forest conservation, education, local infrastructure, culture, health, and economic development. All enacted laws require the Governor's assent.
- Administrative Jurisdiction:
  The KAAC administers the Karbi Anglong and West Karbi Anglong districts, covering developmental blocks, revenue circles, and subdivisions, fostering localized governance.
- Judicial Functions:
  It can establish village courts to adjudicate minor civil and criminal cases based on tribal customs, ensuring justice is accessible and culturally relevant.
- Developmental Initiatives:
  KAAC oversees various infrastructure projects such as road construction and maintenance, irrigation schemes, health care centers, and educational institutions tailored to tribal needs.
- Financial Powers:
  The council has authority to levy taxes, manage resources, and allocate funds for welfare programs, enhancing fiscal autonomy.

  The Karbi Anglong Autonomous Council, empowered by the Sixth Schedule, embodies tribal self-governance and facilitates socio-economic development in the Karbi Anglong region. Its structured executive, legislative, judicial, and financial powers enable it to protect tribal interests, preserve cultural heritage, and promote inclusive growth, reflecting the constitutional commitment to tribal autonomy in Northeast India.

9. Evaluate the role of the 6th Schedule in promoting self-governance among tribal communities in Assam.

Ans:- The Sixth Schedule of the Indian Constitution plays a significant role in promoting self-governance among tribal communities in Assam by providing a constitutional framework for the administration of tribal areas through Autonomous District Councils (ADCs). This arrangement seeks to preserve tribal identities, protect their traditional rights, and foster socio-economic development.

Role and Significance of the Sixth Schedule in Assam:

- Autonomy and Self-Governance:
  The Sixth Schedule grants tribal areas in Assam autonomy through the establishment of ADCs such as the Bodoland Territorial Council, Karbi Anglong Autonomous Council, and Dima Hasao Autonomous Council. These councils have legislative, executive, judicial, and financial powers to administer their areas independently within the Indian Union framework.
- Preservation of Culture and Traditions:
  Tribal communities exercise control over customary laws, social practices, land ownership, and inheritance. The councils can enact laws to preserve and promote tribal heritage without interference from the state government.
- Protection of Land and Resources:
  The Schedule restricts the transfer of tribal land to non-tribal persons, protecting tribal land rights and natural resources from alienation and exploitation.
- Legislative Powers:
  ADCs can make laws on subjects like land management, forest conservation (excluding reserved forests), water resources, shifting cultivation, marriage and divorce, and village administration.
- Judicial Powers:
  The Autonomous Councils have the authority to establish Village Courts for minor civil and criminal cases, thereby dispensing justice based on tribal customary laws.

- Economic and Social Development:
  The councils plan and implement development projects in health, education, infrastructure, and agriculture, tailored to tribal needs, ensuring locally relevant governance.

- Challenges and Reforms:
  While promoting self-governance, the Sixth Schedule faces challenges like limited financial autonomy, administrative overlap with state authorities, and representation issues among diverse tribal groups. Nonetheless, it remains a crucial mechanism for empowering tribal communities.

  The Sixth Schedule has been instrumental in fostering tribal self-governance in Assam by granting constitutional recognition to tribal autonomy, safeguarding cultural identities, and ensuring administrative control over important resources and functions. Despite challenges, it advances the cause of tribal self-determination and inclusive development, reflecting India's commitment to preserving the diversity and rights of its indigenous populations.

10. Critically analyze the challenges faced by Autonomous District Councils in Dima Hasao and Karbi Anglong in balancing autonomy and state control.

Ans:- The Autonomous District Councils (ADCs) in Dima Hasao and Karbi Anglong districts of Assam face significant challenges in balancing autonomy and state control despite the constitutional provisions under the Sixth Schedule. While they aim to empower tribal communities through self-governance, multiple factors complicate this balance.

Challenges Faced by ADCs in Balancing Autonomy and State Control:

- Limited Financial Autonomy:
  Both ADCs depend heavily on grants from the central and state governments, resulting in financial constraints. This dependence restricts their ability to independently plan and implement development projects tailored to local needs.

- Administrative Overlap and Interference:
  The state government often exercises control over administrative matters like appointments and transfer of officials within the ADCs. Such interference dilutes the autonomy granted under the Sixth Schedule and can create conflicts between the council and state authorities.

- Ethnic Diversity and Internal Conflicts:
  Diverse tribal groups within these districts sometimes experience conflict, making uniform governance difficult. Majority tribes may dominate councils, leading to feelings of marginalization among minority groups, undermining inclusive governance.

- Limited Institutional Capacity:
  The councils often suffer from inadequate administrative and technical capacity, affecting their efficiency in delivering services and enforcing laws.

- Corruption and Accountability Issues:
  Reports of corruption within ADCs weaken public trust and threaten the councils' effectiveness in genuine self-governance.

- Legal Constraints:
  While ADCs have legislative powers, many laws require the Governor's assent, giving the state a veto-like power over council decisions, constraining true legislative independence.

- Developmental Backlog:
  Due to resource constraints and governance challenges, these areas lag behind in infrastructure and socio-economic development compared to other regions, raising questions about the efficacy of autonomy in delivering progress.

  Although the Autonomous District Councils of Dima Hasao and Karbi Anglong are constitutionally empowered to enable tribal self-governance, a complex interplay of financial dependency, state interference, ethnic diversity, and administrative limitations hinder the genuine exercise of autonomy. Addressing these challenges through greater fiscal independence, capacity building, and equitable inclusion is essential to foster true self-governance and sustainable development for Assam's tribal communities.

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