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INDIAN POLITY



for

**State Engineering Services Exams,
SSC, PSUs, Banking, RRB and
Other Exams**

by Mr. B. Singh



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Preface

This comprehensive textbook on **Indian Polity** provides all the requirements of the students, i.e., comprehensive coverage of theory, fundamental concepts and objective type questions articulated in a lucid language. This concise presentation will help the readers grasp the topics of **Indian Polity** with clarity and apply them with ease to solve objective questions quickly.

This book covers the syllabus of States Engineering Services Exams including APPSC, MPPSC, MPSC, BPSC, UPPSC; SSC, PSUs, Banking, RRB and other examinations. All the topics are given the emphasis they deserve so that mere reading of the book clarifies all the concepts. The book incorporates theory as well as previous year questions of various State Engineering Services Examinations, UPSC ESE, etc. It also contains plenty of objective type questions for practice. This book has been very well targeted for aforementioned exams covering all the aspects of subject matter required for these examinations.

We have put-in our sincere efforts to present detailed theory and MCQs without compromising the accuracy of answers. For the interest of the readers, some notes, do you know and interesting facts are given in the comprehensive manner.

Our team has made their best efforts to remove all possible errors of any kind. Nonetheless, we would highly appreciate and acknowledge if you find and share with us any printing and conceptual errors. It is impossible to thank all the individuals who helped us, but we would like to sincerely thank all the authors, editors and reviewers for putting-in their efforts to publish this book.



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CONTENTS



INDIAN POLITY

01 CONSTITUTION.....1

▶ Introduction.....1	
Constitutionalism	1
▶ Growth of Constitution under the Company Rule	1
Regulating Act, 1773	1
Pitt's India Act, 1784	1
Charter Act, 1793.....	1
Charter Act, 1813.....	1
Charter Act, 1833.....	2
Charter Act, 1853.....	2
▶ Growth of Constitution under the Crown Rule....	2
Government of India Act, 1858	2
Indian Councils Act, 1861.....	2
Indian Councils Act, 1892.....	2
Indian Councils Act, 1909 (Morley-Minto Reforms) ..	2
Government of India Act, 1919 (Montague-Chelmsford Reforms).....	2
Government of India Act, 1935	3
Indian Independence Act, 1947.....	3
▶ Constituent Assembly - A Brief History	4
Framing of Constitution of India	4
Commencement of the Constitution	5
▶ Features of Constitution.....	6
Three-tier Government.....	6
Longest Written Constitution	6
Federal System with Unitary Bias	6
Parliamentary Form of Government.....	6
Synthesis of Parliamentary Sovereignty and	

Judicial Supremacy	6
Integrated and independent Judiciary.....	6
Fundamental Rights	6
Fundamental Duties	6
Directive Principles of State Policy.....	7
Universal Adult Franchise	7
Single Citizenship	7
Emergency Provisions.....	7
A Secular State.....	7
Co-operative Societies.....	7
Drawn From Various Sources	7
Characteristics of Constitution.....	7

▶ **Doctrine of Basic Structure** **8** |

▶ **Amendment of the Constitution** **10** |

Procedure of Amendment	10
------------------------------	----

▶ **Preamble.....** **20** |

Key ingredients	20
-----------------------	----

02 UNION AND ITS TERRITORY..22

▶ **Constitutional Provisions regarding Union and Its Territory** **22** |

Article-1	22
Article-2	22
Article-3	23
Article-4	23
States Reorganization Commission	23

03 CITIZENSHIP

26

▶ **Introduction.....** **26** |

▶ Article 5 to 11.....	26
Article-5.....	26
Article-6.....	26
Article-7.....	27
Article-8.....	27
Article-9.....	27
Article-10.....	27
Article-11.....	27
▶ Mode of acquisition.....	27
By Birth.....	27
By Descent.....	27
By Registration.....	28
By Naturalisation.....	28
By Incorporation of Territory.....	28
▶ Loss of Citizenship.....	28
▶ OCI, PIO and NRI.....	28
▶ Citizenship (Amendment) Bill, 2016.....	29
Key Features.....	29

04 FUNDAMENTAL RIGHTS30

▶ Introduction.....	30
Classifications of Fundamental Rights.....	30
Difference between Constitutional, Fundamental and Legal Rights.....	30
▶ Feature of Fundamental Rights.....	31
Article-12.....	32
Article-13.....	32
Article-14.....	33
Article-15.....	33
Article-16.....	34
Article-17.....	36
Article-18.....	36
Article-19.....	37
Article-20.....	39
Article-21.....	40
Article-22.....	41

Article-23.....	41
Article-24.....	42
Right to Freedom of Religions (Article-25 – 28).....	42
Article-29.....	43
Article-30.....	44
Article-31.....	44
Article-32.....	45
Article-33.....	46
Article-34.....	46
Article-35.....	47

05 FUNDAMENTAL DUTIES48

Introduction.....	48
Significance.....	48
Relation between Rights and Duties.....	48
FR, DPSP and FD.....	48
Fundamental Duties and Fundamental Rights: Relation.....	49
Fundamental Duties and DPSP: Relation.....	49
Fundamental Duties at a Glance.....	49

06 DIRECTIVE PRINCIPLES OF STATE POLICY50

▶ Introduction.....	50
Objectives of DPSP.....	50
▶ Directive Principles of State Policy (Article-36 to 51) [Part-IV].....	51

07 THE EXECUTIVE 53

▶ Union Executive.....	53
▶ President.....	53
Qualifications.....	55
Conditions of President office.....	56
Oath.....	56
Emoluments.....	56
Term.....	56

Election of President.....	57	Duties and Functions	79
Impeachment	58	Privileges	79
Vacancy in Office	59	► State Executive	79
Powers and Functions	59	► Governor.....	79
Ordinance Making Powers.....	61	Constitutional Position	81
Pardoning Power of the President	62	Power and Functions of the Governor	81
Constitutional position of the President.....	62	Immunities Enjoyed.....	84
Military Powers.....	63	Powers of President & Governor: A Comparison	84
Diplomatic Powers	63	► Chief Minister	87
Financial Powers	63	Eligibility for Appointment.....	89
Emergency Powers.....	63	Appointment	89
Discretionary Powers.....	64	Removal	89
► Vice-President.....	65	Oath, Term and Salary	90
Election	65	Powers and Functions	90
Qualifications	66	► State Council of Ministers.....	91
Term of Office.....	66	Appointment	91
Vacancy in Office	66	Composition.....	92
Conditions of Office	67	► Comparative Study	92
Emoluments	67	► Advocate General of State	92
Roles and Powers.....	67		
► Prime Minister	69		
Constitutional Provisions related to Prime Minister...69			
Appointment of Prime Minister	69		
Oath, Term and Salary	70		
In Relation to Parliament.....	72		
Prime Minister: Head of Committees	73		
► Council of Ministers	74		
Constitutional Provisions	74		
Appointment of Ministers.....	75		
Oath of Office.....	75		
Salary	75		
Term of Office.....	75		
Composition of Council of Minister	76		
Dismissal of Council of Minister	76		
Cabinet Committees.....	77		
Kitchen Cabinet.....	78		
Cabinet Secretariat.....	78		
► Attorney General.....	79		

09 THE LEGISLATURE99

▶ Parliament..... 99	
Houses of Parliament	99
Lok Sabha.....	99
Rajya Sabha	100
Language Used in Parliament.....	102
President: A Part of Parliament	102
Speaker of Lok Sabha	102
Deputy Speaker of Lok Sabha	103
Chairman of Rajya Sabha	104
Deputy Chairman of Rajya Sabha.....	104
Leaders in Parliament.....	104
Membership of Parliament.....	105
Parliamentary Proceedings	107
Legislative Procedure	110
Classification of Bills	110
Rajya Sabha and Money Bill	112
Constitution Amendment Bills.....	112
Types of Majority	114
▶ Budget in Parliament.....114	
Parliamentary Control Over Finance	114
Budget.....	115
Budget: Constitutional Provision.....	115
Charged Expenditure	115
Stages in Enactment of Budget	116
Multi-Functional Role of Parliament.....	119
Parliamentary Privileges.....	121
▶ Parliamentary Committees.....122	
Introduction	122
Objectives of Parliamentary Committees	122
Types of Parliamentary Committees	122
Important Committees and their Composition....	123
▶ State Legislature 125	
Introduction	125
Bicameral and Unicameral Legislatures	127
Legislative Assembly	128
Legislative Council	129

Qualification for Membership	130
Disqualification	131
Powers and Functions of State Legislature	131

10 THE UNION TERRITORIES .. 136

▶ The Union Territories..... 136	
Introduction	136
Administration of UTs.....	137
Role of Administrator	138
Legislature of UTs	138
Legislative Powers over the UTs.....	138
Article 239B: Ordinances	139
High Courts for UTs.....	139
Advisory Committees of UTs.....	139

11 CENTER-STATE RELATIONS ..140

▶ Centre-State Relations140	
Legislative Relations	141
Administrative Relations	143
Financial Relations	146
▶ Inter-State Relations..... 149	
Introduction	149
Inter-State Water Disputes.....	150
Inter-State Councils	150
Zonal Councils	151
North Eastern Council (NEC)	152
Inter-State Trade and Commerce.....	153
Impact of GST on Inter-State Trade.....	153

12 THE JUDICIARY154

▶ Introduction..... 154	
▶ Supreme Court 155	
Introduction	155
Composition.....	155
Appointments.....	155
Tenure of Judges.....	156

Impeachment	156
Salaries and Allowances	157
Acting Chief Justice	157
Jurisdiction and Powers of Supreme Court.....	158
Key terms.....	160
Public Interest Litigation (PIL)	162

► **High Court 162**

Introduction	162
Supreme Court and High Court: A Comparison ...	163
Composition.....	163
Appointment of Judges.....	164
Qualifications	164
Removal of Judges	164
Salaries and Allowances	165
Transfer of Judges	165
Acting Chief Justice	165
Additional and Acting Judges	165
Retired Judges	166
Jurisdiction and Powers	166

► **Sub-Ordinate Courts 169**

Introduction	169
Constitutional Provisions	169
Structure and Jurisdiction	169
National Legal Service Authority.....	170
Lok Adalat	171
Administrative Tribunals	171
Gram Nyayalayas	171
Alternate Dispute Redressal	172
ADR Resolution	172

13 LOCAL SELF GOVERNMENT ...173

► **Introduction..... 173**

► **Important Committees.....174**

Balwant Rai Mehta Committee.....	174
Jay Prakash Narayan Committee	174
Ashok Mehta Committee	175
GVK Rao Committee	175
LM Singhvi Committee	175

► **73rd Constitutional Amendment Act, 1992 ...176**

Salient Features.....	176
Compulsory and Voluntary Provisions.....	178
Powers of Gram Sabha.....	179

14 URBAN LOCAL BODIES.....181

► **Introduction..... 181**

Committees and Commissions since Independence	182
--	-----

► **74th Constitutional Amendment Act, 1992 182**

Salient Features.....	182
Reservation of Seats	183
Municipal Revenue	184

► **The Co-operative Societies 184**

Co-operative Society	184
Constitutional Provisions	184
Features of 97th Amendment Act, 2011	185

15 Constitutional, Statutory & Extra-Constitutional Bodies187

Previous Years' Questions and Practice Questions 193



CONSTITUTION

Introduction

A constitution is a fundamental law of the country, which lays down the basic structure of political system under which its people are to be governed.

Constitutionalism

Constitutionalism is an idea or a principle which elaborates that the authority of the government is derived from a body of fundamental law and is also limited by it.

Growth of Constitution under the Company Rule

Regulating Act, 1773

- The Regulating Act, 1773 was the first step taken by the British Government to control and regulate the affairs of the East India Company in India.
- It designated the Governor of Bengal as the 'Governor-General of Bengal' and created an Executive Council consisting of four members to assist him. The first Governor-General of Bengal was Lord Warren Hastings.
- It made a provision of Supreme Court at Fort William in Calcutta, comprising one Chief Justice and three other judges.
- It strengthened the control of the British Government over the East India Company by requiring the Court of Directors which was a governing body of the Company to report on its revenue, civil and military affairs in India.

Pitt's India Act, 1784

- This Act created a new body called Board of Control to manage the political affairs while Court of Directors were allowed to manage the commercial affairs. Thus, Pitt's India Act made a provision of separation in company's political and commercial activities.
- It empowered the Board of Control to supervise and direct all operations of the civil and military affairs and revenues of the British possessions in India.
- The Company's territories in India were for the first time called **British Possessions in India**.

Charter Act, 1793

- This Act recognised the courts and redefined their jurisdictions. Accordingly, the revenue administration was separated from the judiciary functions. This provision led to disappearing of the Maal Adalats (Revenue courts).
- Salaries of the members of the Board of Control to be drawn from the Indian exchequer.

Charter Act, 1813

- The East India Company's monopoly over trade was abolished in India but its monopoly over trade with China and for trade in tea retained.
- This Act asked Company to spend one lakh rupees every year on the education of Indians.
- Christian missionaries were permitted to propagate their religion in India.

Charter Act, 1833

- This Act made the Governor-General of Bengal as the Governor-General of India and vested in him all civil and military powers. Lord William Bentinck was made the first Governor-General of India.
- The East India Company lost its monopoly over trade with China also and it was asked to close the commercial business. The Company became a purely administrative body.
- This Act asked government to abolish **slavery** in India.

Charter Act, 1853

- This Act had provisions of separation of executive and legislative functions of the Governor General's Council. It provided for addition of six new members called Legislative Councillors to the **Indian (Central) Legislative Council**.
- For the first time, the local representation in the Indian (Central) Legislative Council was allowed.
- An open competition system of selection and recruitment of civil servants was introduced. For the first time, Indians were allowed to take part in Civil Services recruitment process. Consequently, the Macaulay Committee (the Committee on the Indian Civil Service) was appointed in 1854.



Growth of Constitution under the Crown Rule

Government of India Act, 1858

- It brought an end to the Company's rule and transferred all powers to the British crown.
- The system of **Dual government** (Board of Control and Court of Directors) introduced by Pitt's India Act was abolished by this Act.
- A new office of **Secretary of State for India** was created and he was vested with complete authority and control over Indian administration. He was a member of the British Cabinet and was ultimately responsible to the British Parliament. Lord Stanley was the first Secretary of State for India.

Indian Councils Act, 1861

- The Viceroy was empowered to issue ordinances in case of emergency without the concurrence of the legislative council. The life span of such ordinances was six months.

- This Act also introduced the '**portfolio**' system. Under this, a member of the Viceroy's council was made in-charge of one or more departments of the government.

Indian Councils Act, 1892

- This Act empowered the Universities, district boards, municipalities, zamindars and chambers of Commerce to recommend members to the Provincial Legislative Council which were to be nominated by governors.
- According to this Act, the members of the Legislatures were for the first time entitled to take part in debate over Annual Statement of Revenue and Expenditure i.e. Budget. They could also put questions within certain limitations.

Indian Councils Act, 1909 (Morley-Minto Reforms)

- This Act is also known as **Morley-Minto Reforms**. Morley was the then Secretary of State for India and Lord Minto was the then Viceroy of India.
- Muslims were given separate representation and hence Lord Minto came to be known as the **Father of Communal Electorate**.
- A provision was made for the association of Indians with the Executive Council of the Viceroy and Governors. **Satyendra Prasad Sinha** became the first Indian to join the Viceroy's Executive Council. He was appointed as Law Member.

Government of India Act, 1919 (Montague-Chelmsford Reforms)

- This Act is also known as **Montague-Chelmsford Reforms or Montford Reforms**. Montague was the then Secretary of State for India and Chelmsford was the then Viceroy of India.
- All administrative subjects were divided into two groups viz. central and provincial subjects. Provincial subjects were further divided into two parts- transferred and reserved. The **transferred subjects** were to be administered by the Governor with the aid of ministers responsible to the Legislative Council whereas Governor was not responsible towards Legislative Council in the discharge of **reserved subjects**.
- This dual scheme of governance was known as 'dyarchy', a term derived from the Greek word diarche, which means double rule.

- For the first time, Indian Central Legislature was made **bicameral** (two Houses).
- For the first time, **direct elections** in the country were introduced. It granted franchise to a limited number of people on the basis of property, tax or education.
- It also provided for the establishment of the Public Service Commission, which was established in 1926.
- This Act provided for the partition of India and creation of two independent dominions of India and Pakistan.
- It abolished the office of Viceroy and provided, a Governor General for India and Pakistan separately, who was to be appointed by the British Monarch on the advice of the cabinet of both countries.

Government of India Act, 1935

- The Act divided the powers between the Centre and provinces in terms of three lists, namely Federal List (for Centre, with 59 subjects), Provincial List (for provinces, with 54 subjects) and the Concurrent List (for both, with 36 subjects).
- Council of States having 260 members (156 from British India & 104 from Indian States) was to be permanent House with 1/3 members to retire every three years.
- A Federal Assembly to have 5 years duration consists of 375 members (250 from British India and 125 from provinces).
- This Act introduced bicameralism in six out of eleven provinces. Thus, the legislatures of Bengal, Bombay, Madras, Bihar, Assam and the United Provinces were made bicameral consisting of a legislative council (upper house) and a legislative assembly (lower house).
- It abolished dyarchy in the provinces and introduced provincial autonomy in its place. By these provisions, the provinces were allowed to act as autonomous units of administration in their defined spheres in which the Governor was required to act with the advice of ministers responsible to the provincial legislature.
- The Act provided for the establishment for a Federal Court which was set up in 1937.
- It also provided for the adoption of dyarchy at the Centre.
- It provided for the establishment of Reserve Bank of India to control the currency and credit of the country.
- It also provided for the establishment of Federal Public Service Commission, Provincial Public Service Commission and Joint Public Service Commission for two or more provinces.

Indian Independence Act, 1947

- The Indian Independence Act, 1947 ended the British rule in India and declared India as an independent and sovereign state from August 15, 1947.

Interim Government 1946

- In the interim government formed in 1946, the Viceroy continued to be the head of Executive Council. However, Jawaharlal Nehru was designated as the Vice-President of the council and he also headed the interim cabinet.
- The members of the Interim Government were members of the Viceroy's Executive Council. The specific portfolios was allotted to each member.

Member from Indian National Congress

- Jawaharlal Nehru (External Affairs and Commonwealth relations)
- Sardar Vallabhbhai Patel (Home, Information and Broadcasting)
- Dr. Rajendra Prasad (Food and Agriculture)
- Sardar Baldev Singh (Defence)
- Jagjivan Ram (Labour)
- C. Rajagopalachari (Education and Arts)
- Dr. John Mathai (Industries and Supplies)
- C. H. Bhabha (Works, Mines and Power)
- Asaf Ali (Railway and Transport)

Member from Muslim League

- Liaquat Ali Khan (Finance)
- Abdur Rab Nishtar (Posts and Air)
- I.I. Chundrigar (Commerce)
- Ghazanafar Ali Khan (Health)
- Joginder Nath Mandal (Law)

Constituent Assembly - A Brief History

- **In 1896:** Indian National Congress (INC) under presidentship of Dadabhai Naoroji, declared the goal of "Self government or Swaraj".
- **In 1914:** Gopal Krishna Gokhale also reiterated the idea of self rule and contemplated for constitution.
- **In 1925:** Secretary of State Lord Birkenhead challenged Indians to formulate a Constitutional reforms which had the support of wide sections of Indian Political opinion.
- **In 1928:** Motilal Nehru came up with a Constitutional scheme known as "Nehru Report"

Important features:

- Dominion status
- Responsible government at centre and provinces
- Fundamental rights, Secularism
- Linguistic provinces, etc.
- **In 1929:** Congress adopted complete independence as its goal (Purna Swaraj) in **Lahore session.**
- **In 1935:** Government of India Act was passed.

Important features:

- All India federation
- Provincial autonomy
- Direct election of provincial legislature
- Bicameral legislature at centre, etc.

- **In 1940:** August offer

British proposed:

- Dominion status as objective for India
- Setting up of Constituent Assembly after war, where mainly Indians would decide the Constitution as they deem fit.
- First time inherent right of Indians to frame their Constitution was recognised. Congress's demand for dominion status was conceded. Dominion status was explicitly offered.
- **Response:** Congress rejected the offers:

- **In 1942: Cripps Mission**

Objective: To secure India's cooperation to the war.

Proposals:

- Indian Union with dominion status.
- Constituent Assembly to frame Constitution.

Response: Congress rejected the proposal.

Gandhi: Described the scheme as a "*post dated cheque*"

Nehru : Described it as "*a post-dated cheque on crashing bank*".

- **In 1946:** Cabinet Mission Plan

Objective: Transfer of power to Indian leadership.

Proposals:

- Indian Union
- Constituent Assembly - representation from provinces and princely states
- Provinces - autonomy and residual power

Response: Muslim League rejected the proposal

In July 1946 elections were held in provincial assemblies for Constituent Assembly.



Constituent Assembly performed two function:

- **As a Constitutional body** to frame Constitution and it was chaired by Dr. Rajendra Prasad.
- **As a legislative body** to make ordinary laws and it was chaired by G.V. Mavlankar and thus, it became 1st Parliament of free India.

The two functions continued till November 26, 1949 when the task of making the Constitution was over.

Framing of Constitution of India

- The Constituent Assembly which was set up in 1946 as per the Cabinet Mission Plan, was given the task of framing of Constitution of India.
- The members of Constituent Assembly were elected indirectly by the provincial assemblies in the ratio of one member per million population.

There were a total of 389 members in the Constituent Assembly, of which 296 were elected by the members of the Provincial Assemblies and the rest were nominated by the princely states.

- Its first meeting was held on 9th December 1946 with **Sachidanand Sinha** as the Interim President. He was the oldest member of the assembly and was elected as Interim President following the French practice.
- Later, on December 11, 1946 Rajendra Prasad was elected as the President of the Constituent Assembly. Similarly, both H.C. Mukherjee and V.T. Krishnamachari were elected its Vice-presidents. Besides, Sir B.N. Rau was appointed as the Constitutional advisor to the Assembly.
- The seats allocated to each British province were to be decided among the three principal communities namely Muslims, Sikhs and general (all except Muslims and Sikhs), in proportion to their population. The representatives of princely states were to be nominated by the heads of the princely states.
- Jawaharlal Nehru moved the **Objectives Resolution** in the Assembly on December 13, 1946. It was adopted by the Assembly on January 22, 1947. Its modified version forms the Preamble of the present constitution.
- The Constituent Assembly formed committees for framing the Constitution. Some of the important committees are given below:

Drafting Committee

Drafting Committee of Constituent Assembly was the most important committee among all the committees. It was set up on 29th August 1947. It consisted total 7 members including chairman, namely

1. B.R. Ambedkar (Chairman)
2. N. Gopalswami Ayyangar
3. Alladi Krishnaswami Ayyar
4. K.M. Munshi
5. Syed Mohammed Saadullah
6. B.L. Mittar (replaced by N. Madhav Rao due to ill health)
7. D.P. Khaitan (died in 1948 and was replaced by T.T. Krishnamachari)

Major Committees

1. **Drafting Committee** – Dr. B.R. Ambedkar
2. **Union Powers Committee** – Jawaharlal Nehru
3. **Union Constitution Committee** – Jawaharlal Nehru
4. **States Committee** (Committee for Negotiating with States) – Jawaharlal Nehru
5. **Advisory Committee on Fundamental Rights, Minorities and Tribal & Excluded Areas** – Sardar Patel

This committee had the following sub-committees:

- (a) Minorities Sub-Committee – H.C. Mukherjee
 - (b) Fundamental Rights Sub-Committee – J.B. Kripalani
 - (c) North-East Frontier Tribal Areas and Assam Excluded & Partially Excluded Areas Sub-Committee – Gopinath Bardoloi
 - (d) Excluded and Partially Excluded Areas (Other than those in Assam) Sub-Committee – A.V. Thakkar
6. **Rules of Procedure Committee** – Dr. Rajendra Prasad
 7. **Steering Committee** – Dr. Rajendra Prasad
 8. **Provincial Constitution Committee** – Sardar Patel

Commencement of the Constitution

- On 26 January 1950, the Constitution of India came into force i.e., on this date India became a Republic. January 26 was specifically chosen as the date, because it was on this day in 1930 that Purna Swaraj Day was celebrated, following the resolution of the Lahore Session (December 1929) of the Indian National Congress.
- The Constitution Assembly took 11 sessions spanning exactly two years, 11 months and 18 days to accomplish this task, referring to constitutions of more than 60 countries and incurring an expense of over Rs. 64 lakh.

Previous Years' Questions & Practice Questions



1. What is the guiding principle behind establishment of NITI Aayog?

- (a) Collateral federalism
- (b) Competitive federalism
- (c) Compulsive federalism
- (d) Cooperative federalism

[APPSC (AEE) : 2016]

Ans. (b)

2. Out of the bills given below, with regard to which bill, can the President neither return nor withhold his assent ?

- (a) Defence Bill
- (b) Money Bill
- (c) Law Bill
- (d) Financial Account Committee Bill

[APPSC (AEE) : 2016]

Ans. (b)

3. The President of India can be removed from office by

- (a) the Prime Minister of India
- (b) the Chief Justice of India
- (c) the Parliament
- (d) the Lok Sabha

[BPSC (AE) : 2001]

Ans. (c)

4. Who is the chairman of the Planning Commission?

- (a) The President
- (b) The Vice-President
- (c) The Planning Minister
- (d) The Prime Minister

[BPSC (AE) : 2001]

Ans. (d)

5. The number of members of State Legislative Assembly cannot be more than

- (a) 500
- (b) 250
- (c) 425
- (d) 540

[BPSC (AE) : 2001]

Ans. (a)

6. The ceremonial head of the Municipal Corporation is

- (a) the nominated Chairman
- (b) the elected mayor
- (c) the nominated Commissioner
- (d) the elected Commissioner

[BPSC (AE) : 2001]

Ans. (b)

7. All the human beings are born free and all are equal in dignity and rights" has been outlined in the

- (a) UN Charter
- (b) French Revolution
- (c) Declaration of Human Rights
- (d) Magna Carta

[BPSC (AE) : 2001]

Ans. (c)

8. The right to property is

- (a) a legal right
- (b) a fundamental right
- (c) an ordinary right
- (d) a statutory right

[BPSC (AE) : 2001]

Ans. (a)

9. Which one is not a Fundamental Right?

- (a) Right to equality
- (b) Right to religion
- (c) Right to assembly
- (d) Right to property

[BPSC (AE) : 2006]

Ans. (d)

10. Who was second President of India?

- (a) Dr. Zakir Hussain
- (b) V. V. Giri
- (c) Dr. Radhakrishnan
- (d) Zail Singh

[BPSC (AE) : 2006]

Ans. (c)

11. Collectively the Council of Minister is responsible to

- (a) President
- (b) Parliament
- (c) Prime Minister
- (d) People

[BPSC (AE) : 2006]

Ans. (d)

12. Who was the President of the Constituted Assembly?

- (a) Dr. Ambedkar
- (b) Dr. Rajendra Prasad
- (c) Dr. Kidwai
- (d) Dr. B. N. Rau

[BPSC (AE) : 2006]

Ans. (b)

13. Governor of a State is appointed by the President on the advice of

- (a) Vice President
- (b) Prime Minister
- (c) Chief Minister
- (d) Chief Justice

[BPSC (AE) : 2006]

Ans. (c)

14. In which state it is compulsory to have a separate Minister for Tribal Welfare?

- (a) Gujarat
- (b) Bihar
- (c) Maharashtra
- (d) Kerala

[BPSC (AE) : 2006]

Ans. (b)

15. What is the maximum strength of Lok Sabha?

- (a) 525
- (b) 537
- (c) 550
- (d) 545

[BPSC (AE) : 2006]

Ans. (c)

16. Indian Constitution, came into force on

- (a) August 15, 1947
- (b) November 26, 1949
- (c) January 26, 1950
- (d) January 30, 1950

[BPSC (AE) : 2006]

Ans. (c)

17. President of India submits his resignation too:

- (a) Vice President
- (b) Prime Minister
- (c) Speaker of Lok Sabha
- (d) Chief Justice of India

[BPSC (AE) : 2006]

Ans. (a)

18. The words "Socialist Secular" were added to the Preamble of Indian Constitution by

- (a) 2nd Amendment
- (b) 24th Amendment
- (c) 42nd Amendment
- (d) 44th Amendment

[BPSC (AE) : 2006]

Ans. (c)

19. When is the Rajya Sabha dissolved?

- (a) During Emergency
- (b) During President's Rule
- (c) During a war
- (d) Never

[BPSC (AE) : 2006]

Ans. (d)

20. India is a Welfare State because of the provisions

- (a) Preamble
- (b) Fundamental Rights
- (c) Directive Principles
- (d) VIIth schedule

[BPSC (AE) : 2006]

Ans. (c)