**Code No.5HS302HS**

**METHODIST COLLEGE OF ENGINEERING & TECHNOLOGY (An Autonomous Institution)**

**B.E. (ECE) III-Semester (AICTE) (Regular) Examination, Feb/March -2023**

**Subject: INDIAN CONSTITUTION**

**Time: 3 hoursMax.Marks:60**

**Answer Key; Detailed scheme of InstructionsSet-B**

**PART-A**

**Answer All the questions.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Q.No.** | **Questions** | **Marks** | **CO** | **BTL** |
| **1. a** | **Define Democracy?**  A: The word democracy describes a form of government. The word comes from  two Greek words that mean “rule by the people.” In a democracy the people have  a say in how the government is run. They do this by voting. | **2** | **1** | **2** |
| **b** | **Define Preamble?**  A: Preamble is Introduction or Preface to the Indian Constitution. It contains  Essence or Summary of the constitution. Preamble states the philosophy,  Objectives and features of the constitution.  N.A.Palkhivala called Preamble as the identity card of Indian Constitution.  The Preamble of Indian Constitution is based on the objective’s resolution drafted  and moved by Pandit Nehru. | **2** | **1** | **1** |
| **c** | **Explain about 73rdConstitutional Amendment?**  A: The 73rd Amendment is about the rural local governments[29 subjects], which are  also known as Panchayati Raj Institutions (PRIs).  Following the 73rd Amendment, all states now have a uniform three tier  Panchayati Raj structure as −   Gram Panchayat − At the bottom level;   Mandal (also known as Block or Taluka) − Intermediary level; and   Zilla Panchayat − At the top level. | **2** | **2** | **3** |
| **d** | **Explain about emergency powers of President?**  A: Emergency powers:  a) National Emergency → Article 352 → On grounds of threat to  security of India or any part of it, By war, external aggression or armed  rebellion  b) Presidential Rule → Article 356 → Proclamation for taking over the  administration of a state, when state government cannot carry out  administration in state in accordance with provisions of the constitution  c) Financial Emergency → Article 360 → when financial stability of  credit of India or any part is threatened. | **2** | **2** | **3** |
| **e** | **What is Article 14?**  A: Equality before law and equal protection of laws (Article 14).  Article 14 of the Constitution of India reads as under: “The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.” | **2** | **3** | **1** |
| **f** | **Explain about Article 32?**  A: Right to constitutional remedies (Article 32)[custodian of FR]  Right to move the Supreme Court for the enforcement of fundamental  rights including the writs of (i) habeas corpus, (ii) mandamus,  (iii)prohibition, (iv) certiorari, and (v) quo-warranto (Article 32). | **2** | **3** | **3** |
| **g** | **Which feature of Indian Constitution deals with Central-State relations?**  A: Federalism is the basic feature that deals with central-state relations. India is a union of states. The constitution of India has divided the legislative, executive and financial powers between the center and the states, which gives the constitution a federal character. | **2** | **4** | **2** |
| **h** | **Discuss the Evolution of NITI Aayog?**  A: The Planning Commission which has a legacy of 65 years has been  replaced by the NITI Aayog.   Government of India has replaced the old planning commission started in  1950 with a new institution called NITI Aayog on 1 January 2015.   It works under the chairmanship of Prime Minister. NITI Aayog  (National Institution for Transforming India).   In Sanskrit, the word “NITI” means morality. But, in the present context,  it means policy and the NITI stands for “National Institution for  Transforming India” | **2** | **4** | **1** |
| **i** | **Briefly explain about Securities and Exchange of India?**  A: SEBI is a statutory body established on April 12, 1992 in accordance with the provisions of the Securities and Exchange Board of India Act, 1992.  The basic functions of the Securities and Exchange Board of India is to protect the interests of investors in securities and to promote and regulate the securities market. | **2** | **5** | **2** |
| **j** | **What is meant by statutory body?**  A: Statutory Bodies – They get the power from a statute (i.e. an Act enacted by the Legislature). E.g.: National Investigation Agency (NIA), National Human Rights Commission (NHRC), Lokpal and Lokayukta etc. | **2** | **5** | **3** |

**PTO**

**PART-B**

**Answer Any Five questions**.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Q.No.** |  | **Questions** | **Marks** | **CO** | **BTL** |
| **2.** | **a** | **What are the Functions of Constituent Assembly?**  A: Functions:  a) Framing the Constitution.  b) Enacting laws and involved in the decision-making process.  c) It adopted the National flag on July 22, 1947.  d) It accepted and approved India's membership of the British  Commonwealth in May 1949.  e) It elected Dr. Rajendra Prasad as the first President of India on January 24, 1950.  f) It adopted the National anthem on January 24, 1950.  g) It adopted the National song on January 24, 1950.  h) On 13 December, Jawaharlal Nehru moved the ‘Objective Resolution’.  i) The final document had 22 parts, 395 articles and 8 schedules, the  assembly had met for 11 sessions. | **4** | **1** | **3** |
| **b** | **What are the Features of 1935 Act?**  A: The Act marked a second milestone towards a completely responsible  government in India. It was a lengthy and detailed document having 321  Sections and 10 Schedules.  Features of the Act:  1). It provided for the establishment of an All-India Federation consisting ofprovinces and princely states as units. The Act divided the powersbetween the Centre and units in terms of three lists- Federal List (forCentre, with 59 items), Provincial List (for provinces, with 54 items) andthe Concurrent List (for both, with 36 items). Residuary powers weregiven to the Viceroy. However, the federation never came into being asthe princely states did not join it.  2). It abolished dyarchy in the provinces and introduced ‘provincial  autonomy’ in its place. The provinces were allowed to act as autonomousunits of administration in their defined spheres. Moreover, the Actintroduced responsible governments in provinces, that is, the governorwas required to act with the advice of ministers responsible to theprovincial legislature. | **4** | **1** | **2** |
| **3.** | **a** | **Examine the Powers and Functions of Prime Minister?**  A:Prime Minister of India serves the country by following various functions. He performs his functions taking responsibilities as:   The leader of Country: The Prime Minister of India is the Head of the  Government of India.   Formation of the Council of Minister: Article 75, provides that the Prime Minister is appointed by the President and other ministers shall be  appointed by the President on the advice of the Prime Minister.   Portfolio allocation: The Prime Minister has the authority to assign  portfolios to the Ministers.   Chairman of the Cabinet: The Prime Minister is the chairman of the  cabinet and presides the meetings of the Cabinet. He can impose his  decision if there is a crucial opinion difference among the members.   Official Representative of the country: Prime minister represents the  country for high-level international meetings   The link between the President and the Cabinet: The Prime Minister  acts as the link between President and cabinet. He communicates all  decisions of the Cabinet to the President which is related to the  administration of the affairs of the Union and proposals for legislation.   Leader of the Parliament: The PM is not only the leader of the party, but he is also the leader of the Lok Sabha and the Leader of the Parliament.   Head: The Prime Minister is the head of Nuclear Command Authority, NITI Aayog, Appointments Committee of the Cabinet, Department of Atomic Energy, Department of Space and Ministry of Personnel, Public Grievances and Pensions.   Chief Advisor: He acts as the chief advisor to the President. | **4** | **2** | **3** |
| **b** | **What are the Powers and Functions of Chief Minister?**  A: With respect to council of ministers: .1. Leader of the Assembly 2. Leader of the people 3. presides over the cabinet meetings etc.   He advises the Governor to appoint any person as a minister. It is only  according to the advice of CM the Governor appoints ministers.   Allocation and reshuffling of portfolios among ministers.   In case of difference of opinion; he can ask minister to resign.   Directs, guides and controls activities of all the ministers.   If the Chief Minister resign then full cabinet has to resign.  With Respect to Governor:  Under Article-167 of our constitution: The Chief Minister acts as a link  between Governor and state council of ministers. The functions with respect to the Governor are as follows:   CM has to communicate to the Governor all the decisions of the council of ministers relating to the administration of the states.   The Governor can ask for consideration of council of ministers when a decision has been taken without the consideration of the cabinet.   CM advises Governor regarding the appointment of important officials like Attorney General, State Public Service Commission (Chairman and Members), and State Election Commission etc.  With Respect to State Legislature:   He recommends dissolution of legislative assembly to the Governor.   He advises the Governor regarding summoning, proroguing the sessions of State Legislative Assembly from time to time.   All government policies are announced by him on the floor of the house. | **4** | **2** | **1** |
| **4.** | **a** | **Explain in detail about the Liberal-Intellectual Principles of DPSP?**  A: DPSP – Liberal-Intellectual Principles  Definition: These principles reflect the ideology of liberalism. Under various articles, they direct the state to:  Article 44 Secure for all citizens a uniform civil code throughout the country  Article 45 Provide early childhood care and education for all children until they complete the age of six years  Article 48 Organize agriculture and animal husbandry on modern and scientific lines  Article 49 Protect monuments, places and objects of artistic or historic interest which are declared to be of national importance  Article 50 Separate the judiciary from the executive in the public services of the  State  Article 51 Promote international peace and security and maintain just and honorable relations between nations  Foster respect for international law and treaty obligations   Encourage settlement of international disputes by arbitration | **4** | **3** | **2** |
| **b** | **Explain the difference between Fundamental Rights and Duties?**  A: Fundamental Rights  1) Integral part of constitution Basic Structure, hence cannot be taken  away.  2) JusticiableEnforceable by court.  3) Provision of suspension of FR’s during emergency.  4) Some FR’s are available to citizens and some are available to both  citizens and foreigners.  5) FR’s are Social and Political in Nature.  Fundamental Duties  1) Duties can be taken away.  2) Non-Justiciable, can’t be enforced by court.  3) No need of suspension.  4) FD’s are extended to only citizens.  5) They are Social, Political and Economic in nature. | **4** | **3** | **1** |
| **5.** | **a** | **Explain the Process of Supreme Court Judges appointment and their Oath of Office?**  A: Appointment of Judges: The judges of the Supreme Court are appointed by the president. The chief justice is appointed by the president after consultation with such judges of the Supreme Court and high courts as he deems necessary. The other judges are appointed by president after consultation with the chief justice and such other judges of the Supreme Court and the high courts as he deems necessary. The consultation with the chief justice is obligatory in the case of appointment of a judge other than Chief justice.  Oath or Affirmation: A person appointed as a judge of the Supreme Court, before entering upon his Office, has to make and subscribe an oath or affirmation before the President, or some person appointed by him for this purpose. | **4** | **4** | **3** |
| **b** | **Who appoints the Finance Commission and what are the qualifications for Members?**  A: The Finance Commission is appointed by the President under Article  280 of the Constitution as per the provisions contained in the Finance  Commission Act, 1951.   The Chairman of the Commission is selected from among persons  who have had experience in public affairs, and the fourother members are selected from among persons who:  1. are qualified to be appointed as Judges of a High Court; or  2. have special knowledge of the finances and accounts of Government;  or  3. have had wide experience in financial matters and in administration;  or  4. have special knowledge of economics | **4** | **4** | **2** |
| **6.** | **a** | **Write an essay on Union Public Service Commission?**  A: Union Public Service Commission (UPSC) is not an exam but it is a constitutional body which is authorized to conduct various exams in the country one among which is Civil Services Exam, while Indian Administrative Services (IAS) which is commonly known as IAS Exam is also not an exam and is one of the civil services post among the others like IPS, IFS and etc. to which candidates can get into through the Civil Services Exam.  The commission’s approval is granted by the Constitution of India as mentioned in the articles 315 to 323 of Part XIV of the constitution titled as Services under the Union and the States for public service commission for the union and for each state.  Composition of Union Public Service Commission  The Union Public Service Commission (UPSC) consists of a chairman and ten members. The terms and conditions of service of the chairman and members of the Commission are governed by the Union Public Service Commission (Members) Regulations, 1969.  Functions of Union Public Service Commission  The major functions of the Union Public Service Commission (UPSC) under Article Section 320 of the Constitution of India are:  To conduct various examinations for the appointment to the services of the UnionDirect Recruitment by selection through interviews  Appointing Department officers on promotion, deputation and through absorptionConstituting and amending the Recruitment Rules for various services and posts under the Government.Disciplinary cases relating to different Civil ServicesAbout any matter related to the UPSC, they can directly recommend the Government by the President of Indian. | **4** | **5** | **3** |
| **b** | **Briefly explain about National Green Tribunal?**  A: It is a specialized body set up under the National Green Tribunal Act (2010) for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources. With the establishment of the NGT, India became the third country in the world to set up a specialized environmental tribunal, only after Australia and New Zealand, and the first developing country to do so.NGT is mandated to make disposal of applications or appeals finally within 6 months of filing of the same.  The NGT has five places of sittings, New Delhi is the Principal place of sitting and Bhopal, Pune, Kolkata and Chennai are the other four.  The Tribunal comprises of the Chairperson, the Judicial Members and Expert Members. They shall hold office for term of three years or till the age of sixty-five years, whichever is earlier and are not eligible for reappointment. The Chairperson is appointed by the Central Government in consultation with Chief Justice of India (CJI). | **4** | **5** | **2** |
| **7.** | **a** | **Discuss the following concepts i) Republic ii) Secular iii) Justice iv) Equality?**  A: Republic – It means that the head of the state is not hereditary. Also the supreme power is vested in the people and there are no privileged class i.e. all offices are open to all without discrimination.  Secular – All religions irrespective of strength are having same status and support from state.  Justice – This is of three forms Social (All are treated equally with  discrimination), Political (All have access to all office and equal voice in  government) and economic (No discrimination on grounds of economic  factors)  Equality – Absence of special privileges to any section and provision of opportunities for all without discrimination. | **4** | **1** | **3** |
| **b** | **Explain about Panchayat Raj Institutions in India?**  A:  Following the 73rd Amendment, all states now have a uniform three tier  Panchayati Raj structure as −   Gram Panchayat − At the bottom level;   Mandal (also known as Block or Taluka) − Intermediary level; and   Zilla Panchayat − At the top level.   A Gram Panchayat covers a village or group of villages.   The intermediary level is the Mandal covers Block (i.e. a group of gram panchayat).   The Zilla Panchayat covers the entire rural area of the District.   All the three levels of Panchayati Raj Institutions are elected directly by the people for five years term.   One-third of the positions in all panchayat institutions are reserved for the women.   Twenty-nine subjects (of 11th Schedule of the Constitution), which were earlier in the State list, are transferred to the Panchayati Raj Institutions. | **4** | **2** | **3** |
| **8.** | **a** | **What is the Importance or Significance of Fundamental Rights?**  A:Fundamental rights are very important because they are like the backbone of the country. They are essential for safeguarding the people’s interests. According to Article 13, all laws that are violative of fundamental rights shall be void. Here, there is an express provision for judicial review. The SC and the High Courts can declare any law unconstitutional on the grounds that it is violative of the fundamental rights.   Protection of the interest of minorities and weaker sections of society.   Ensures dignity and respect of individuals.   Checks the absoluteness of the authority of government.   Lays down foundation stone of social equality and Social Justice.   No democracy can function in the absence of basic rights such as  freedom of speech and expression.   Fundamental Rights grant the standards of conduct, citizenship, justice and fair play. They act as a check on the government.   The Constitution also provides for enforcement of these rights hence  they have legal value also which empower a citizen to protect, respect  and fulfil the rule of law.   Prevent the establishment of authoritarian and dictatorial rule in the  country. | **4** | **3** | **2** |
| **b** | **Explain about Composition and Functions of Inter State Council?**  A:  Article 263 of Indian constitution provides the establishment of an Interstate Council. This is to enhance the coordination between the center and states.   It is not a permanent constitutional body, Council can be created at any time if it seems to the President that the public interest would be served by the establishment of such council.   It was set up in 1990 through a presidential ordinance for the first time  as per the recommendations of the Sarkaria Commission under the  Ministry of Home affairs.  Composition:  The Inter-State Council composes of the following members   Prime Minister, Chairman.   Chief Ministers of all states.   Chief Ministers of the union territories having legislative assemblies.   Administrators of the union territories not having legislative assemblies.   6 Union Cabinet Ministers, including Home Minister, to be nominated  by the Prime Minister.   Governors of the states being administered under President's rule.  Functions:   The interstate council is the most dynamic platform to discuss policies  and strengthen the Centre- State relations.   This works as an instrument for cooperation, coordination and the  evolution of common policies and acts as a bridge between centre and  state. | **4** | **4** | **2** |
| **9.** | **a** | **What is the role of CAG in India?**  A: CAG is an independent authority under the Constitution of India.  He is the head of the Indian audit & account department and chief Guardian of Public purse. It is the institution through which the accountability of the government and other public authorities (all those who spend public funds) to Parliament and State Legislatures and through them to the people is ensured.  CAG audits the accounts related to all expenditure from the Consolidated Fund of India, Consolidated Fund of each state and UT’s having a legislative assembly. CAG audits all expenditure from the Contingency Fund of India and the Public Account of India as well as the Contingency Fund and Public Account of each state. CAG audits all trading, manufacturing, profit and loss accounts, balance sheets and other subsidiary accounts kept by any department of the Central Government and the state governments.  CAG audits the receipts and expenditure of all bodies and authorities substantially financed from the Central or State revenues; government companies; other corporations and bodies, when so required by related laws. | **4** | **5** | **3** |
| **b** | **What are the Powers and Functions of National Commission for Women?**  A: 1. Investigation and Examination: Investigate and examine all the matters relating to the safeguards provided for the women under the Constitution and other laws.  2. Recommendations: Make in such reports and recommendations for the effective accomplishment of those safeguards for enhancing the conditions of the women by the Union or any State.  3. Review, every now and then, the current provisions of the Constitution and other laws distressing the women and prescribe alterations and suggest curative legislative measures meet any break,inadequacies and incapacity in such legislation.  4. Cases of Violation: Take up cases of violation of the provisions of the  Constitution and of other laws relating to the women with the relevant  authorities  5. Suo Motu Notice: It looks into complaints, and takes Suo Motto notice of matters relating to – deprivation of women’s rights, non-implementation of the laws and Non-compliance of policy decisions guaranteeing the welfare for women society.  6. Special Studies and Investigation: It conducts special studies or  investigation on the concerning issues or circumstances emerging out of  segregation and outrages against ladies and recognize the limitations in  order to suggest techniques for their expulsion  7. Research: Undertake the promotional and educational research so as to propose ways of ensuring due representation of women in all fields and identifies the factors responsible for impeding the support services and technologies for reducing drudgery and professional health hazards and for escalating their efficiency.  8. Participation in all spheres particularly in Planning: take part and advice on the planning process of socio-economic development of women. | **4** | **5** | **2** |