



BUDDHA SERIES

(Unit-1 Solved Question & Answers)

Course – BBA 2nd SEM

College – Buddha Institute of
Management

(code-1212)

Department: Business Administration

Subject: Indian Constitution BBA207

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UNIT 1

Q1. What is a constitution? Explain

Ans.

Constitution

Legal Definition

The Constitution serves as the fundamental norm from which all other laws derive their validity.

In simple words: "Supreme law of the land".

In Legal Sense

It is a living document that sits at the top of the legal hierarchy. This means:

- **Invalidity of Subordinate Laws:** Any law passed by the Parliament or a state legislature that contradicts the Constitution is considered beyond power and can be declared null & void by the judiciary.

Political Definition

The Constitution acts as the organizational blueprint for the state. It performs three critical functions:

- **Constitutive Functions:** It establishes the existence of the State and defines "who we are" as a people (the national identity).
- **Separation of Powers:** It creates a system of checks and balances by distributing power among the Legislature (law-making), Executive (law-implementing), and Judiciary (law-interpreting) to prevent any one branch from becoming too powerful.
- **Limitation of Power:** It tells the government what it can do and what it cannot do, thereby protecting the political liberties of the individual.

"In Simple Words"

It is the fundamental identity of the nation. It defines the relationship between the Legislature, the Executive, and the Judiciary.

Q2. What is. Constitutionalism? Explain in detail.

Ans.

Constitutionalism

While Constitution is just the book of rules, Constitutionalism is the philosophy that the government's power should not be unlimited. It is the idea that just because a government is in power, it does not mean it can do whatever it wants.

The three main pillars on which the Constitutionalism works:

- Rule of Law - No one is above the law whether you are a billionaire or a beggar, the same rules apply.
- Separation of Powers - Power is divided:
 - One group makes the law,
 - One carries it out, and
 - One makes sure they are fair.
- Fundamental Rights - The government cannot stop you from certain basic rights like following your religion because Constitution protects these basic rights.
- Limited Government - This is the “anti-tyranny” clause. It dictates that the state only has the powers granted to it by the constitution. If it isn't in the job description, they can't legally do it.
- Popular Sovereignty - The authority of the constitution comes from the people. The government is essentially an agent of the public, and the constitution is the contract that defines that relationship.

Q3. What Is the difference between constitution and constitutionalism explain in detail.

Here is a clear table showing the difference between Constitution and Constitutionalism.

Basis	Constitution	Constitutionalism
Meaning	A constitution is a written or unwritten set of fundamental laws and rules that govern a country.	Constitutionalism is the idea or principle that government power must be limited by the constitution.
Nature	It is a document or legal framework.	It is a philosophy or political principle.
Focus	Focuses on the structure of government (executive, legislature, judiciary).	Focuses on limiting government power and protecting citizens' rights.
Purpose	To organize and establish the government system.	To ensure that government does not misuse its power.
Scope	Describes institutions, powers, duties, and rights.	Emphasizes rule of law, separation of powers, and protection of liberty.
Example	The Constitution of India is the supreme law of India.	Constitutionalism ensures that the government works according to the

		Constitution and respects fundamental rights.
Relation with Power	Gives powers to government institutions.	Restricts those powers to prevent dictatorship.
Existence	A country may have a constitution but still lack constitutionalism if rulers ignore it.	Constitutionalism exists only when the constitution is actually followed and respected.

Q4 what is the necessity or need of the constitution in a society? Describe.

Ans

The Necessity of the Constitution is:

- Sets the (Basic Coordination) rule

In a diverse country like India, people belong to different religions (Hindu, Muslim, Sikh, Christian), speak different languages, and have different cultures. The Constitution provides a set of basic rules that everyone agrees to follow. Without these rules, no one would feel safe living together because they wouldn't know what to expect from their neighbors. Example: The Constitution ensures that whether you are in Tamil Nadu or Punjab, the basic legal rights and traffic laws remain consistent and recognizable.

- Decides "Who Holds the Power"

A society needs a way to make decisions. The Constitution specifies who has the authority to make laws for the nation. It identifies the roles of the Parliament, the Prime Minister, and the President. It ensures that power isn't grabbed by force but is given through a legal process (elections). Example: It is the Constitution that gives the Parliament the power to make laws on national subjects like Defense or Railways, while giving State Governments the power to manage Police and Agriculture.

- Places "Brakes" on the Government

Just because a government is elected by the majority doesn't mean it can do whatever it wants.: The Constitution sets limits on what the government can impose on its citizens. These limits are "fundamental" in the sense that the government can never trespass them. Example: Even if the government has a massive majority in Parliament, it cannot pass a law saying "People of a certain religion are not allowed to speak." The Fundamental Rights act as a permanent barrier.

- Achieves Social Goals (Aspirational Function)

Older constitutions were just about "don'ts," but the Indian Constitution is also about "dos." It enables the government to take positive steps to fix deep-rooted problems in

society like poverty, inequality, and discrimination. Example: The Constitution didn't just set up a government; it gave that government the power to abolish Untouchability (Article 17) and provide Reservations to uplift marginalized communities.

- Creates a National Identity

Before the Constitution, people were often identified only by their caste, region, or religion. The Constitution gives people a shared political identity. It defines who is a citizen and fosters a sense of belonging to one single nation. Example: Regardless of whether someone is a Bengali, a Marathi, or a Naga, the Constitution identifies everyone first and foremost as an Indian Citizen.

- Protection of Minorities

In a democracy, there is always a risk that the “majority” might suppress the “minority.” The Constitution ensures that the views and rights of smaller groups (religious, linguistic, or cultural) are protected from the “tyranny of the majority.” Example: Articles 29 and 30 allow minorities to set up their own educational institutions to preserve their unique culture and language.

Q5 How does constitution regulate the relationship between the state and the individuals.

Ans

The Constitution acts as a social contract that defines the boundaries of power. It ensures that while the State has the authority to govern, the Individual has the freedom to live with dignity.

1. By Granting Fundamental Rights (The Shield)

The most direct way the Constitution regulates this relationship is by giving individuals “Fundamental Rights” (Part III of the Indian Constitution). These rights are enforceable by law. If the State tries to take them away, the individual can go to court. For example, Article 19 (Freedom of Speech) ensures that the State cannot arrest you just for disagreeing with a policy. Article 21 ensures the State cannot take your life or liberty without a fair legal process.

2. By Imposing “Negative Obligations” on the State

The Constitution tells the State what it cannot do. These are often called “Negative Covenants.” Most laws tell citizens what to do, but the Constitution tells the Government what to do. Example: The State cannot discriminate against an individual based on their caste or religion (Article 15). This regulates the relationship by ensuring the State treats every individual as an equal “Citizen” rather than a “Subject.”

3. By Establishing the “Rule of Law”

The Constitution ensures that the relationship is governed by Laws, not by the Whims of leaders. In a monarchy (Rex Lex), the King’s word was law. In our Constitution (Lex Rex), the Law is the King. If a government official wants to search your house, they must follow the specific legal procedure (getting a warrant), rather than just using their power.

4. By Defining Fundamental Duties

Regulation is a two-way street. While the State has duties toward the individual, the Constitution (under Article 51A) also lists duties that the individual owes to the State/Nation. It reminds individuals that their rights come with responsibilities, such as respecting the National Flag or protecting the environment.

Q6 What was the condition of Indian society before the adoption of Indian Constitution?

Ans: Indian Society Before the Constitution (Pre-1950)

- Political Structure: Rule by Authority, Not Consent

Before 1950, India was a Colonial State under British rule. The primary goal of the government was to maintain British interests, not to serve Indian citizens.

- Source of Power: Sovereignty rested with the British Crown and the Viceroy. Indians were “subjects” of the Queen, not “citizens” of a nation.
- Limited Participation: While some Indians were eventually allowed into legislative councils, they had no real power to change major policies.
- Arbitrary Decision Making: Laws were made in London or by the Governor-General without the “popular consent” of the Indian people.

2. Social Structure: A Society of Inequality

The social fabric was highly fragmented and “stratified” (divided into layers).

- The Caste Hierarchy: Society was strictly divided by the Varna/Caste system. Concepts like “Untouchability” were practiced openly, denying millions of people basic dignity and access to public spaces (wells, temples, schools).
- Institutionalized Patriarchy: Women had very few legal rights. They lacked equal inheritance rights, had limited access to education, and were largely excluded from political life.

3. Economic Condition: The “Drain of Wealth”

Economically, India was treated as a “Satellite Economy” for Great Britain.

- Drain of Wealth: As Dadabhai Naoroji pointed out, Indian tax money and resources were sent to Britain to fund their industrial revolution and wars.

- Raw Material Supplier: India was forced to export raw materials (like cotton and indigo) at cheap rates and buy back finished British goods at high prices.
- Generational Poverty: Frequent famines and heavy land taxes (Zamindari system) kept the rural population in a cycle of permanent debt and poverty.

4. Legal System: Law as a Weapon

In a constitutional democracy, law protects you. In colonial India, law was used to suppress you.

- No Fundamental Rights: There was no “Bill of Rights.” The government could arrest anyone without trial (e.g., the Rowlatt Act).
- Discriminatory Laws: Laws were often different for Europeans and Indians.
- Lack of Judicial Independence: The courts were designed to uphold the “Order” of the British Empire, not the “Rights” of the Indian individual.

Q 7 How did Indian Society changed after the adoption of Indian Constitution? Explain

Ans

Indian Society After the Constitution (Post-1950)

1. Political Structure: From Subjects to Sovereign Citizens

The Constitution transformed India from a colony into a Sovereign Democratic Republic.

- Universal Adult Franchise (Article 326): This was the biggest revolution. It gave every adult (regardless of wealth, education, or gender) the right to vote. In one step, India moved from “limited participation” to “mass democracy.”
- Constitutional Supremacy: The “Viceroy’s whim” was replaced by the Rule of Law. Even the Prime Minister is now answerable to the law.
- Separation of Powers: Power was strictly divided between the Legislature, Executive, and Judiciary to ensure no single person could become too powerful.

2. Social Structure: Equality based society

The Constitution set out to intentionally “break” the old, unfair social hierarchies.

- Abolition of Untouchability (Article 17): The law made the practice of untouchability a punishable crime, aiming to restore dignity to millions.
- Prohibition of Discrimination (Article 15): It strictly forbade the State from discriminating against any citizen on grounds of religion, race, caste, sex, or place of birth.
- Empowerment of Women: Through Fundamental Rights and Directive Principles, women were granted equal pay for equal work and the right to vote from day one something many Western countries took decades to allow.

3. Economic Condition: Towards a Welfare State

The “Drain of Wealth” was replaced by the concept of a Welfare State.

- Directive Principles of State Policy (DPSP): These are “instructions” to the government to ensure that wealth is not concentrated in a few hands and that every citizen has a right to an adequate means of livelihood.
- Planned Development: The government took responsibility for building schools, hospitals, and industries to lift people out of the “generational poverty” mentioned in your notes.

4. Legal System: Law as a Tool of Justice

The most significant change was that the law became a shield for the citizen rather than a sword for the ruler.

- Fundamental Rights (Part III): For the first time, Indians were “guaranteed” rights like Freedom of Speech and Protection of Life. If these are violated, a citizen can go directly to the Supreme Court.
- Independent Judiciary: The courts were made independent of the government to ensure they could provide “Justice” rather than just “Control.”

Q8 how was the constitution of India made? Describe

Ans

It wasn't just a group of people writing a book; it was a massive, 3-year political project.:
The Making of the Indian Constitution

1. The Origin (The "Idea")

- 1934: The idea of a Constituent Assembly was first put forward by M.N. Roy (a pioneer of the communist movement in India).
- 1935: The Indian National Congress (INC) officially demanded a Constituent Assembly to frame the Constitution of India.
- 1946: The Assembly was finally formed under the Cabinet Mission Plan.

2. Formation of the Constituent Assembly

The Assembly was a "Mini-India," consisting of members from all walks of life.

- Total Strength: Originally 389 members (reduced to 299 after the partition of India and Pakistan).
- Nature of Membership: Members were indirectly elected by the provincial assemblies. It included Hindus, Muslims, Sikhs, Parsis, Anglo-Indians, Christians, SCs/STs, and women.

* First Meeting: December 9, 1946.

3. Key Figures (The Architects)

- Dr. Sachchidananda Sinha: The temporary President (the oldest member).
- Dr. Rajendra Prasad: Elected as the Permanent President of the Assembly.
- H.C. Mukherjee: The Vice-President.
- Sir B.N. Rau: The Constitutional Advisor (He prepared the first rough draft).
- Dr. B.R. Ambedkar: The Chairman of the Drafting Committee. He is hailed as the "Father of the Indian Constitution" for his brilliant legal mind and for stitching all the ideas together.

4. The Process: How they worked

The Assembly didn't just vote; they debated.

- Committees: The work was divided into 22 committees (e.g., Union Powers Committee, Fundamental Rights Committee).
- The Drafting Committee: This was the most important. It scrutinized the proposals and prepared the formal "Draft Constitution."
- Public Debate: The draft was published for 8 months. Common people, newspapers, and experts gave their feedback, which was then discussed in the Assembly.

5. Important Milestones (The Dates)

- Dec 13, 1946: Jawaharlal Nehru moved the "Objectives Resolution." This outlined the philosophy of the Constitution (Justice, Liberty, Equality).
- Nov 26, 1949: The Constitution was Adopted and signed. (Celebrated as Constitution Day).
- Jan 24, 1950: The members signed the document, and the National Anthem was adopted.
- Jan 26, 1950: The Constitution came into Force. India officially became a Republic.

Why so much time?

Reason: Our makers wanted a "Perfect Document." They studied the constitutions of over 60 countries (like USA, UK, Ireland, and Canada) and borrowed the best features while tailoring them to fit Indian culture and needs.

Q9 what was the role and contribution of constituent assembly in framing the constitution? Explain

Ans

The Role and Contribution of the Constituent Assembly

- The Drafting and Framing Role

The primary role was to create a comprehensive document that would govern a newly independent India.

- **A Masterpiece:** The Assembly studied the constitutions of over 60 countries. They didn't just copy them; they "Indianized" them. For example, they took the Parliamentary system from the UK but made it a Republic (with an elected head) instead of a Monarchy.
- **The Drafting Committee:** Led by Dr. B.R. Ambedkar, this committee was the "engine" of the Assembly. They scrutinized every clause to ensure legal clarity and protection of citizens.

2. The Role of a "Provisional Parliament"

Before the first general elections in 1951-52, the Constituent Assembly acted as India's first Parliament.

- **Legislative Function:** It passed ordinary laws, managed the country's budget, and handled the immediate challenges of Partition and the integration of Princely States.
- **Election of the President:** On January 24, 1950, the Assembly elected Dr. Rajendra Prasad as the first President of India.

3. The Deliberative Role (The Power of Debate)

The Assembly is famous for its "Constituent Assembly Debates" (CAD).

- **Consensus over Majority:** Instead of just voting and moving on, the members tried to reach a "consensus" (where everyone agrees). They debated for 166 days.
- **Public Participation:** They weren't working in a vacuum. The drafts were published, and thousands of suggestions from the public, chambers of commerce, and trade unions were considered.

4. The Social Reformer Role

The Assembly aimed to fix centuries of social evil through the Constitution.

- **Abolishing Inequalities:** It was the Assembly that debated and decided to abolish Untouchability (Article 17) and provide Reservations for SCs and STs to ensure social justice.
- **Secular Identity:** In a time of religious tension (Partition), the Assembly firmly decided that India would be a Secular State, protecting all religions equally.

5. Adoption of National Symbols

The Assembly also performed the symbolic role of defining the new nation's identity:

- **National Flag:** Adopted on July 22, 1947.
- **National Anthem & Song:** Adopted on January 24, 1950.
- **Commonwealth Membership:** It ratified India's decision to stay in the Commonwealth but as a Sovereign Republic.

Major Contributions:

- Universal Adult Franchise - Gave the right to vote to every adult, poor or rich. |
- Fundamental Rights - Created a shield for citizens against government tyranny. |
- Independent Judiciary - Ensured that courts are free from political pressure. |
- Federal Structure - Balanced power between the Central and State governments. |

Q10 . How will you introduce the Indian constitution? What are parts and schedules in Indian constitution? Explain.

Ans

Introduction: The Framework

The Indian Constitution is the longest written constitution in the world. Its structure ensures that every detail of governance—from the power of the President to the rights of a village panchayat—is clearly defined.

The Basic Anatomy:

- Preamble: The Introduction (The “Soul”).
- Parts: The “Chapters” that group related Articles together (e.g., all rights are in one Part).
- Articles: The specific “Rules” or “Clauses” (currently 448+).
- Schedules: Extra tables or lists that provide more detail to the Articles.

Indian constitution is divided into parts:

Topic	Articles	Brief Explanation
Union and its Territory	1–4	Defines India as a “Union of States.” It explains the names of states, union territories, and the power of Parliament to create new states, alter boundaries, or change names.
Citizenship	5–11	Defines who is considered an Indian citizen at the commencement of the Constitution and gives Parliament power to regulate citizenship laws.
Fundamental Rights	12–35	Guarantees basic rights and freedoms to citizens such as equality, freedom, protection against exploitation, religious freedom, cultural and educational rights, and constitutional remedies.
Directive Principles of State Policy (DPSP)	36–51	These are guidelines for the government to establish social and economic justice, like promoting welfare, reducing inequality, providing education, etc. They are not enforceable in court.

Fundamental Duties	51A	Lists the duties of citizens like respecting the Constitution, protecting the environment, promoting harmony, and safeguarding public property.
Union Government	52–151	Describes the structure and functioning of the central government, including the President, Vice-President, Prime Minister, Council of Ministers, Parliament, and Supreme Court.
State Government	152–237	Explains the structure and powers of state governments, including the Governor, Chief Minister, State Legislature, and High Courts.
Panchayats	243–243O	Provides for local self-government in rural areas, establishing Gram Panchayat, Panchayat Samiti, and Zila Parishad under the 73rd Constitutional Amendment.
Elections	324–329	Establishes the Election Commission of India and regulates conduct of elections for Parliament, state legislatures, and offices like President and Vice-President.
Amendment of Constitution	368	Explains how the Constitution can be amended, including the procedure and types of amendments (simple majority, special majority, and special majority with state ratification).

Schedule in Indian Constitution .

Schedule	What it Contains	Explanation	Example
1st Schedule	Names of States and Union Territories and their territorial jurisdiction	It lists all the states and union territories of India and their areas. Whenever a new state is created or boundaries change, this schedule is updated.	Creation of Telangana in 2014 was added to the First Schedule.
2nd Schedule	Salaries, allowances, and privileges of constitutional authorities	It specifies the salary and benefits of important constitutional posts.	Salary provisions for the President of India, Prime Minister of India, Governors, judges of the Supreme Court of India, etc.

3rd Schedule	Forms of oath or affirmation	It contains the oaths taken by constitutional officials before assuming office.	Oath taken by the Prime Minister of India, Members of Parliament, judges of the Supreme Court of India, etc.
4th Schedule	Allocation of seats in the Rajya Sabha	It tells how many representatives each state and union territory sends to the Rajya Sabha.	Uttar Pradesh has the highest number of Rajya Sabha seats, while smaller states have fewer.
5th Schedule	Administration of Scheduled Areas and Scheduled Tribes	It deals with special governance and protection for tribal areas in certain states. The Governor has special powers and Tribal Advisory Councils are formed.	Tribal areas in states like Jharkhand and Chhattisgarh are governed under provisions of the Fifth Schedule.

Q 11 what are the key features of Indian constitution? Explain.

Ans

Key Features of the Indian Constitution

1. Longest Written Constitution

India holds the record for the longest constitution in the world. why? Because it contains detailed provisions for both the Union (Central) and the States. It also includes specific protections for Scheduled Castes, Tribes, and minorities to ensure no one is left behind. It originally had 395 Articles; today it has over 448.

2. Drawn from Various Sources

Critics often call it that many concepts were borrowed. but Dr. Ambedkar called it "Ransacking all the known Constitutions of the world."

* Examples

- UK: Parliamentary Government & Rule of Law.
- USA: Fundamental Rights & Judicial Review.
- Ireland: Directive Principles (DPSP).
- Canada: Federal system with a strong Centre.

3. Blend of Rigidity and Flexibility

A constitution shouldn't be so hard to change that it breaks, nor so easy that it loses its value. Some parts (like electing the President) require a "Special Majority" + consent of half the States. Some parts (like changing state names) can be amended by a "Simple Majority" in Parliament.

4. Federal System with Unitary Bias

India is a "Union of States." Power is divided between the Centre and States, but the Centre remains stronger. Two governments, division of powers (Three Lists), and an independent judiciary. A single Constitution for the whole country, single citizenship, and the power of the Centre to appoint Governors.

5. Parliamentary Form of Government

Instead of the Presidential system (like in the USA), India chose the British Parliamentary model. The Executive (PM and Cabinet) is part of the Legislature and is answerable to it. If they lose the "Vote of Confidence" in Parliament, they must resign.

6. Synthesis of Parliamentary Sovereignty and Judicial Supremacy

This is a unique "Middle Path": The Parliament has the power to make and amend laws. The Judiciary (Supreme Court) has the power of Judicial Review. If a law is unconstitutional, the Court can strike it down.

7. Universal Adult Franchise

This was a bold move in 1950. While countries like the US and UK gave voting rights in stages, India gave every citizen aged 21 (now 18) the right to vote from the very first day, regardless of gender, wealth, or education.

8. Secular State

India does not have an "Official Religion." Unlike Western secularism (which separates State and Religion completely), Indian secularism means the State respects all religions equally and can intervene to fix social evils (like banning triple talaq or untouchability).

9. Independent and Integrated Judiciary

The judicial system in India is a single hierarchy.: The Supreme Court is at the top, followed by High Courts and District Courts. Judges are appointed in a way that protects them from political pressure, ensuring they can protect the "Fundamental Rights" of citizens.

Q12 Explain the objective Resolution and the philosophy of Indian Constitution.

Ans

1. The Objectives Resolution (The Blueprint)

Before the Constitution was written, Jawaharlal Nehru presented a "map" of what it should look like on December 13, 1946. This was the Objectives Resolution.

- Its Purpose: To outline the goals and the philosophy that the Drafting Committee should follow.
- Key Points of the Resolution:
 - India will be an Independent Sovereign Republic.
 - All power and authority of the government are derived from The People.
 - Social, economic, and political Justice must be guaranteed to all.
 - Adequate safeguards for minorities, backward classes, and tribal areas.
 - Promotion of world peace and the welfare of mankind.

The Objectives Resolution is the "ancestor" of the Preamble. Most of its points are now found in the Preamble of our Constitution today.

2. The Philosophy of the Constitution

The philosophy is built on a few "Core Values" that define the character of India.

A. Popular Sovereignty

- Meaning: The ultimate power lies with the people of India.
- Philosophy: We are not ruled by a King or a foreign power. The phrase "We, the People" signifies that the Constitution was created by and for Indians.

B. Sovereign, Socialist, Secular, Democratic, Republic

- Sovereign: India is free from any external control.
- Socialist: The state aims to reduce inequality and provide a fair share of resources to the poor.
- Secular: The state has no official religion. It treats all religions with equal respect (Sarva Dharma Sambhava).
- Democratic: The government is "of the people, by the people, and for the people" through regular elections.
- Republic: The Head of State (President) is elected, not a hereditary monarch like a King.

C. The Four Pillars of the Preamble

- Justice: Social (no discrimination), Economic (reducing poverty), and Political (equal right to vote).
- Liberty: Freedom of thought, expression, belief, faith, and worship.
- Equality: Equality of status and opportunity. No one is "superior" by birth.
- Fraternity: Promoting a sense of "brotherhood" among all Indians to maintain the unity and integrity of the nation.

Q13 why it is important for anyone to understand the philosophy of Indian constitution

Ans

Without a philosophy, a Constitution is just a list of technical rules. With a philosophy, it becomes a mission for the country.

1. It Provides a “Direction” (The Moral Compass)

A country is like a giant ship. The Articles are the engine, but the Philosophy is the Compass: It tells the government and the citizens where we are heading. Are we heading toward a society of equality or one of power?

- Importance: It ensures that no matter which political party comes to power, the core values—like Justice and Secularism—cannot be easily ignored.

2. It Acts as a “Legal Guide” for Courts

Sometimes, laws can be confusing or vague. When judges have to decide a difficult case, they look at the Philosophy. If a new law seems to hurt a citizen’s dignity, the Supreme Court uses the Preamble (the summary of our philosophy) to check if that law is “Constitutional.” It is often called the “Key to the minds of the makers.” It helps us understand what Nehru, Ambedkar, and others intended for India’s future.

3. It Prevents “Majority Tyranny”

In a democracy, there is always a risk that the majority might try to suppress the minority. The philosophy of Fraternity and Equality acts as a shield. It reminds the nation that India belongs to everyone, regardless of their religion, caste, or language. Even if 90% of people wanted to take away the rights of the other 10%, the Secular and Democratic philosophy of the Constitution would forbid it.

4. It Balances “Stability” with “Change”

The philosophy is the “Basic Structure” of the nation. While we can change (amend) parts of the Constitution to keep up with modern times (like adding laws for the Internet), we cannot change the Philosophy.

- Importance: This keeps India stable. We can change the rules, but we cannot change the foundation (e.g., we cannot stop being a Democracy).

5. It Gives Citizens an “Identity”

Before 1950, Indians were identified by their birth, caste, or province. The philosophy of the Constitution created a new, unified identity. It tells every person: “You are an equal citizen with the right to Liberty and Dignity.” this turned a collection of diverse princely states and provinces into One Nation with a shared dream of progress.



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Department: Business Administration

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UNIT 2

Q1. What is an amendment in Constitution?

Or What

do you mean by Amendment in Constitution

Ans.

An Amendment is a formal change or an “update” made to the Constitution.

An amendment is a modification of the constitution of a nation or state. In the Indian context, it is the power given to the Parliament under Article 368 to ensure the Constitution remains a “Living Document.” It consists of three specific actions:

- **Addition:** Inserting new articles or sections (e.g., adding the Right to Education).
- **Variation:** Changing or “editing” the existing words to make them clearer or more modern.
- **Repeal:** Removing or deleting an outdated law that is no longer useful for society.

Q2. What are the needs of amendments?

Ans.

We need amendments in Constitution:

1. To Keep Pace with Time (Modernization)

The world changes constantly. What was normal in 1950 (when the Constitution was adopted) is very different from today. New technologies and social changes require new rules. For example, the original makers couldn't have predicted the Internet. We needed amendments to handle modern issues like Information Technology and GST (Goods and Services Tax) which didn't exist 70 years ago.

2. To Correct “Gaps” or Mistakes

No matter how wise the makers were, they couldn't think of everything. Sometimes, after a law is put into practice, we realize it has a “loophole” or is causing an unexpected problem. An amendment allows the government to “patch” that hole. The 1st Amendment was passed very quickly in 1951 to clarify issues regarding land reforms and freedom of speech that appeared right after the Constitution started.

3. To Fulfill New Social Aspirations

As a society grows, its goals and “dreams” change. What people consider a “basic need” evolves. Amendments allow the government to turn a “goal” into a “guaranteed right.” The

86th Amendment (2002) added the Right to Education (Article 21A). In 1950, India didn't have the resources to make education a right, but by 2002, we were ready to make it a law.

4. To Strengthen Democracy

Amendments are often used to give more power to the people and make the system fairer. It allows for the expansion of the "political circle" to include those who were previously left out. The 61st Amendment lowered the voting age from 21 to 18, allowing millions of young people to participate in democracy.

5. To Manage Center-State Relations

India is a massive country with many states. Sometimes the balance of power between the Central government and State governments needs adjustment. Amendments help redraw the boundaries of power so that both the Center and States can work together smoothly without conflict. The 73rd and 74th Amendments gave constitutional power to Panchayats and Municipalities, moving power from the big capital cities down to the local villages.

6. To Prevent Revolution

If a Constitution is too "rigid" (impossible to change), people who are unhappy with the rules might try to overthrow the government or start a revolution to get what they want. By allowing peaceful amendments, the Constitution acts as a safety valve, letting the steam out so the whole system doesn't explode.

Q3. Explain in detail the procedure for amending the Indian Constitution under Article 368.

Answer:

The Three Methods of Amendment:

1. Method A: By Simple Majority

This is the "Flexible" part of the Constitution. These changes are treated like ordinary laws and do not fall under the strict rules of Article 368.

Requirement: **More than 50% of the members present and voting in both Houses.**

- Examples: Changing the name or boundaries of a state. Or Creation or abolition of Legislative Councils in states Or Matters related to Citizenship.

2. Method B: By Special Majority (Article 368)

Most significant amendments are made through this method. It is designed to ensure that a major change has wide support.

Requirement: 1. A **majority of the total membership of each House (at least 50% + 1 of the total seats)**. And **A majority of two-thirds (2/3) of the members present and voting.**

1. Examples: Fundamental Rights: Changes to your basic freedoms. And Directive Principles (DPSP): Changes to the government's welfare goals.

3. Method C: By Special Majority + Ratification by States

This is the "Rigid" part. It is used for changes that affect the **Federal Structure** (how the Center and States share power).

Requirement: 1. Special Majority in Parliament. 2. Approval (Ratification) by at least **half (50%) of the State Legislatures.**

- **Examples: Election of the President:** Since the President represents the whole country.
 - **Distribution of Power:** Any change to the Union or State lists. ○ **High Courts & Supreme Court:** Changing the powers of the top judiciary.
 - **GST (Goods and Services Tax):** Because it changed how states collect taxes.

The Supreme Court of India has placed restrictions on parliament's power to amend the constitution through the **Basic Structure Doctrine** through the Kesavananda Bharti Case.

What cannot be changed? Features like Democracy, Secularism, Judicial Independence, and the Republic nature of India are off-limits. Even with a 100% majority, Parliament cannot turn India into a Monarchy.

Q4 Give Some examples of Landmark Amendments of The Indian Constitution.

Ans

Certain amendments to the Constitution are considered landmark amendments because they brought major structural, political, or social changes in the constitutional system of India. Below are some of the most significant amendments.

1. First Amendment Act, 1951

Purpose: To address issues related to land reforms and freedom of speech.

Key Provisions

- Added Ninth Schedule to protect land reform laws from judicial review.
- Introduced reasonable restrictions on the Right to Freedom (Article 19).

- Empowered the state to make special provisions for backward classes.

Importance This amendment strengthened the government's ability to implement land reforms and social justice policies.

2. Seventh Amendment Act, 1956

Purpose: Reorganization of states.

Key Provisions

- Implemented the States Reorganisation Act.
- Abolished the classification of Part A, B, C, and D states.
- Created states mainly on linguistic basis.

Importance It significantly changed the federal structure and administrative organization of India.

3. Forty-Second Amendment Act, 1976

Often called the "Mini Constitution."

Key Provisions

- Added the words Socialist, Secular, and Integrity in the Preamble.
- Introduced Fundamental Duties (Part IV-A).
- Strengthened the central government's power.
- Reduced the power of the judiciary in certain matters.

Importance One of the most extensive amendments that significantly altered many parts of the Constitution.

4. Seventy-Third Amendment Act, 1992 Purpose:

Strengthening rural local governance.

Key Provisions

- Gave Constitutional status to Panchayati Raj Institutions.
- Introduced Eleventh Schedule.
- Provided for Reservation for women and weaker sections in Panchayats.

Importance Promoted grass-root democracy in rural areas.

5. Eighty-Sixth Amendment Act, 2002

Key Provision

- Inserted Article 21A.
- Made Right to Education (6–14 years) a Fundamental Right.

Importance Strengthened the constitutional commitment to education and social development.

Q5 what are Constitutional Convention and what are the features of constitutional Conventions? Explain.

Ans

While the Constitution is the written rulebook, Conventions are the customs and traditions that everyone follows to make the government work smoothly. They are not written in any

law book, and you cannot go to court if someone breaks them, but they are followed because of “political morality.”

Definition

A Constitutional Convention is an informal, unwritten rule that dictates how the government should use its legal powers.

Nature and Characteristics of Constitutional Conventions

1. Non-Legal but Binding (Unwritten Rules)

Conventions are not laws passed by Parliament. They are customs or traditions. Even though they are not written in the Constitution, they are considered “obligatory” (mandatory) for those in power. Breaking a convention is not a “legal crime,” but it is seen as “politically wrong.” example :The Constitution says the President can appoint any person as PM, but by convention, he must appoint the leader of the majority party.

2. Not Enforceable by Courts

This is the most important characteristic for an exam. If a politician breaks a convention, you cannot go to the Supreme Court to ask for their punishment. The courts do not recognize conventions as “enforceable law.” The only punishment for breaking a convention is public criticism or a political crisis (like losing an election or a no-confidence motion).

3. Based on “Constitutional Morality”

Conventions are rooted in the ethics of governance. They exist to ensure that the “spirit” of democracy is maintained. They prevent people from using their legal powers in a selfish or dictatorial way. Example: A Governor has the legal power to sit on a bill forever, but by convention, they should act on it in a reasonable time to respect the people’s will.

4. Flexible and Evolving

Unlike the written Constitution, which needs a complex amendment process (Article 368) to change, conventions can change naturally over time. New conventions emerge as society changes, and old ones die out if they are no longer useful. They allow the government to adapt to new situations without changing the “rulebook.”

5. They “Fill the Gaps”

The written law provides the structure, but convention make the system move and work smoothly. They explain how the legal powers should be used in real life.

Q6 What are Some examples of Constitutional Conventions in India? Explain. Ans

Even though India has a written Constitution, many conventions operate in practice.

1. Appointment of the Prime Minister

The President appoints the leader of the majority party in Lok Sabha as Prime Minister.

Relevant Article: Article 75

But the Constitution does not explicitly say majority leader must be PM — this is a convention.

Example involving President of India And Prime Minister of India

2. President acts on the advice of the Council of Ministers

Under Article 74, the President acts on the advice of the Council of Ministers.

In practice, the President almost always follows this advice, which has become a strong constitutional convention.

3. Collective Responsibility to Lok Sabha

The Council of Ministers remains in office as long as it enjoys the confidence of the Lok Sabha. If the government loses majority support, it must resign.

4. Caretaker Government Convention

When the Lok Sabha is dissolved, the outgoing government continues as a caretaker government until the new government takes charge. Such government avoids major policy decisions.

5. Governor acts on advice of the Council of Ministers

At the state level, the Governor normally acts on the advice of the State Council of Ministers, except in some discretionary situations.

Q7 what are the role or Significance of constitutional conventions? Explain .

Ans

This is a solid list! To expand these for a higher-mark question, you want to show how these points actually work in the real world. Here is the expansion in clear, direct language.

Significance of Constitutional Conventions

1. Ensures Smooth Functioning of the Government

The Constitution is a legal skeleton; conventions are the muscles that make it move. No law book can predict every tiny problem that might happen in a country. Without these unwritten rules, the government would get stuck in “deadlocks” or arguments every day.

- Conventions provide a “standard procedure” that everyone agrees to follow.
- Example: When a Prime Minister dies in office, there is a convention to immediately appoint a caretaker or a new leader so the country is never without a head of government.

2. Maintains Democratic Traditions

Conventions ensure that the “spirit” of the people is respected, even if the “letter” of the law allows something else. They turn a legal document into a moral code. They force leaders to think about what is right, not just what is legal.

- It creates a culture of political morality where leaders fear public shame more than a court case.
- Example: The convention that the Speaker of the Lok Sabha should be impartial and stay away from active party politics protects the dignity of the House.

3. Flexibility in the Constitutional System

Amending the Constitution (Article 368) is a long and difficult process. Conventions allow for “silent changes” that don’t require a vote. It keeps the Constitution “modern” without having to rewrite it every year. It allows the system to grow naturally as the country matures.

- As political situations change, new customs develop to handle them. These eventually become fixed traditions.
- Example: In the era of “Coalition Governments” (many parties joining together), new conventions were developed on how the President should invite leaders to form a government.

4. Prevents Misuse of Power

The Constitution gives “Discretionary Powers” (choices) to the President and Governors. Conventions act as the handcuffs that prevent them from becoming dictators. Legally, the President is the head of the Armed Forces and holds massive power. However, conventions ensure this power is only used on the advice of the people’s elected representatives.

- It creates a “check and balance” system where the formal head (President) follows the real head (Prime Minister).
- Example: Legally, the President could refuse to sign a bill indefinitely, but by convention, he must give his assent once it is passed again by Parliament.

5. Support for the Parliamentary System

India’s system is modeled after the British (Westminster) system, which relies heavily on unwritten rules. Our entire structure of “Collective Responsibility” (where the whole Cabinet stands or falls together) is driven as much by convention as by law.

- It ensures that the Executive (the PM and Cabinet) stays answerable to the Legislature (the Parliament).
- Example: If a “No-Confidence Motion” is passed in the Lok Sabha, the convention is that the entire Ministry must resign immediately. They don’t wait for a court order; they follow the convention.

Q8 what are Fundamental Rights? Explain. The Fundamental Rights with their restrictions and limitations.

Ans

Fundamental Rights are given in Part III of the Constitution of India (Articles 12–35). These rights protect the freedom and dignity of citizens and limit the power of the government.

1. Right to Equality (Articles 14–18)

Meaning- The Right to Equality means that every person is equal before the law and the government cannot discriminate unfairly.

Key Provisions

1. Article 14 – Equality before Law

Everyone is treated equally in front of the law. And No special privileges for anyone.

Example: A minister and a normal citizen are both punished if they commit a crime.

2. Article 15 – No Discrimination

The state cannot discriminate on the basis of:

- Religion
- Race
- Caste
- Sex
- Place of birth

Example: Government cannot deny admission in a public college only because of someone’s religion.

3. Article 16 – Equal Opportunity in Government Jobs

Everyone has equal chance for public employment.

4. Article 17 – Abolition of Untouchability

Untouchability is completely abolished.

Example practicing untouchability is a punishable offence

5. Article 18 – Abolition of Titles

The government cannot give titles like Raja, Nawab etc.

But academic or military titles are allowed.

Example: Dr. , Major, Professor are allowed.

Limitations / Restrictions of Right to equality

Even equality has reasonable exceptions.

- Reservation

Government can give reservations for: SC, ST, OBC, Economically weaker sections. This is called protective discrimination.

- Special laws for women and children

Government can make special provisions. Example Maternity benefits, Women safety laws

- Special privileges

Some positions have special protection. Example: President, Governors. They cannot be arrested during their term.

2. Right to Freedom (Articles 19–22)

Article 19 – Six Freedoms

Article 19 gives six basic freedoms to citizens.

Freedom of Speech and Expression

Every citizen has the right to express opinions freely through speech, writing, printing, pictures, or any other method.

Examples Writing articles, Posting opinions online, Peacefully criticizing the government

- Limitations / Restrictions on freedom of speech:

Government can restrict this freedom for:

- Security of the state
- Friendly relations with foreign states

- Public order
- Decency or morality
- Contempt of court
- Defamation
- Incitement to an offence

Freedom of Assembly

Citizens can gather peacefully and without weapons. Example: Peaceful protest or public meeting.

- Restrictions on freedom of Assembly

Government may restrict if it threatens: Public order or Security of the state

Example: Police can stop a protest if it may become violent.

Freedom to Form Associations

People can form organizations, unions, clubs, or political parties.

Example Trade unions, Political parties, Student unions

- Restrictions on freedom to form association

Government can restrict for: Public order, Morality, Security of the state

Example: A terrorist organization cannot be legally formed.

Freedom of Movement

Citizens can move freely throughout the territory of India. Example: A person from Uttar Pradesh can travel anywhere in India.

- Restrictions

Government may restrict movement for Protection of tribal areas and Public health or safety

Example: Entry restrictions in protected tribal regions.

Freedom of Residence

Citizens can live and settle in any part of India. Example: Someone from Bihar can settle in Maharashtra.

- Restrictions

Restrictions allowed for Protection of tribal culture and Public interest

Example: Some northeastern tribal areas require special permits.

Freedom of Profession

Citizens can choose any profession or occupation.

Example A person can become a doctor, lawyer, teacher, or start a business.

- Restrictions

Government may impose restrictions for: Professional qualifications, Public interest, Regulation of businesses

Example: A doctor must have a medical degree. And Illegal businesses are not allowed.

Article 20 – Protection in Criminal Cases

This article protects individuals from unfair punishment.

Key protections

No ex-post facto law

A person cannot be punished for an act that was not illegal at that time.

No double jeopardy

A person cannot be punished twice for the same crime.

No self-incrimination

No one can be forced to testify against themselves.

Article 21 – Right to Life and Personal Liberty

English:

No person shall be deprived of life or personal liberty except according to procedure established by law. This article has been interpreted very broadly by the Supreme Court of India.

- It includes many rights such as:
- Right to live with dignity
- Right to privacy

- Right to education
- Right to clean environment
- Right to legal aid

Article 22 – Protection Against Arrest and Detention

This article protects people from arbitrary arrest.

Rights of an arrested person

- Must be informed of the reason for arrest
- Right to consult a lawyer
- Must be produced before a magistrate within 24 hours

Preventive Detention (Exception)

Government can detain a person before committing a crime if it suspects threat to national security.

Example: Terrorism prevention laws

But detention without trial cannot exceed 3 months without approval of an advisory board.

Right Against Exploitation (Articles 23–24)

This right protects individuals from being exploited or forced to work against their will. It ensures that no person is treated unfairly or forced into labour.

Article 23 – Prohibition of Human Trafficking and Forced Labour

Meaning (English)

Article 23 prohibits:

- Human trafficking
- Begaar (forced labour without payment)
- Other forms of forced labour

If anyone violates this rule, it is a punishable offence.

1. Human Trafficking

Human trafficking means buying or selling human beings for exploitation. Examples Selling children for labour, Illegal adoption networks, Human slavery.

2. Begaar (Forced Labour)

Begaar means forcing someone to work without payment. Example In ancient times, landlords forced poor people to work in fields without wages.

3. Bonded Labour

Bonded labour means a person works to repay a debt or loan and becomes trapped in labour for many years. Example: A labourer takes a small loan and is forced to work for years.

Article 23 applies against both government and private individuals.

- Exceptions to Article 23

The government can require compulsory service for public purposes.

Examples: Military service, Social service during national emergencies. But the government cannot discriminate on the basis of religion, caste, or class.

Article 24 – Prohibition of Child Labour

Article 24 prohibits employment of children below 14 years in: Factories, Mines, Hazardous occupations Example Children cannot work in: Firecracker factories, Mines, Chemical industries

Laws Related to Child Labour India introduced the Child Labour (Prohibition and Regulation) Act, 1986 to regulate and prohibit child labour.

Children can help in family businesses or light work, but they cannot work in dangerous industries.

Q9 .Why Fundamental rights are necessary to the development of individual explain give me 6 points

Ans

Fundamental Rights in the Constitution of India are essential for the development of an individual's personality, dignity, and freedom. They protect people from misuse of power and create conditions where individuals can grow socially, intellectually, and economically. They helps in :

1. Protection of Individual Freedom

Fundamental Rights guarantee basic freedoms such as speech, movement, and choice of profession. These freedoms allow individuals to express their thoughts, pursue their interests, and make decisions about their lives. Without such freedoms, people would live under constant control or fear, which would hinder personal growth and creativity.

2. Development of Human Dignity

These rights ensure that every person is treated with respect and dignity. Rights like equality before the law and protection from exploitation prevent discrimination, forced labour, and unfair treatment. When individuals feel respected and secure, they can develop confidence and self-worth, which are essential for personal development.

3. Promotion of Social Equality

Fundamental Rights reduce social inequalities by prohibiting discrimination based on religion, caste, gender, or place of birth. Equal opportunities in education and employment help individuals develop their abilities regardless of their background. This equality allows every person to reach their full potential.

4. Encouragement of Intellectual and Moral Development

Rights such as freedom of speech and expression encourage individuals to share ideas, debate, and learn from others. This freedom supports intellectual growth, creativity, and innovation. When people can think and speak freely, society benefits from new ideas and knowledge.

5. Protection of Cultural Identity

Rights like cultural and educational rights allow individuals and communities to preserve their language, traditions, and culture. Protecting cultural identity helps individuals maintain a sense of belonging and pride in their heritage, which is important for psychological and social development.

6. Legal Protection Against Abuse of Power

Fundamental Rights allow individuals to seek protection from the courts if their rights are violated. The judiciary, especially the Supreme Court of India, ensures that the government respects these rights. This legal protection gives individuals confidence that their freedoms and interests are safeguarded.

Q9 what are constitutional remedies provided to the citizens? Explain

Or

Explain all the Writs given in the constitution.

Ans

Constitutional Remedies

Constitutional remedies are legal safeguards that empower citizens to approach courts when their fundamental rights are violated. In the Indian context, famously called the Right to Constitutional Remedies (Article 32) the “Heart and Soul of the Constitution.”

Without these remedies, fundamental rights would remain only theoretical; they give real power and enforceability to these rights against the state or even individuals.

1. Legal Framework

In India, Constitutional remedies can be sought through two main channels:

Supreme Court (Article 32): Citizens can directly approach the Supreme Court for enforcement of fundamental rights.

High Court (Article 226): High Courts can be approached not only for fundamental rights but also for other legal rights.

Five Writs of the Indian Constitution

1. Habeas Corpus (“To have the body”):

This writ protects against illegal detention. The court orders the authority to produce the detained person and justify the detention.

2. Mandamus (“We Command”):

Issued to a public authority to perform a duty it has failed or refused to perform.

3. Prohibition (“To forbid”):

Issued by a higher court to stop a lower court or tribunal from acting beyond its jurisdiction. It is preventive in nature.

4. Certiorari (“To be certified”):

Issued to quash/ reject an order already passed by a lower court or authority when it acted beyond jurisdiction or committed legal errors.

5. Quo Warranto (“By what authority”):

Used to challenge the legality of a person holding a public office.

Q10 what is Parliament and what is Parliamentary Supremacy? Explain in detail.

Parliament

In India, the Parliament is the supreme legislative body of the country and forms the core of Indian democracy, where laws are discussed, framed, and enacted.

According to Article 79 of the Constitution, the Parliament of India consists of three components:

1. President of India
2. Rajya Sabha (Council of States)
3. Lok Sabha (House of the People)

Parliamentary Supremacy

It means that the legislature has absolute power to make, amend, or repeal laws, and no other authority can override it. This concept comes from British concept.

Is the Indian Parliament Supreme?

In India, the answer is **No**. The Indian Parliament is not fully supreme. Instead, India follows the principle of constitutional supremacy, where the Constitution is the highest authority.

Limitations

A. Written Constitution

India has a written Constitution, which is the supreme law of the land. Every law made by Parliament must conform to it.

B. Judicial Review

The and High Courts have the power of Judicial Review, meaning they can examine laws passed by Parliament.

C. Basic Structure Doctrine

In the landmark case (1973), the Supreme Court held that Parliament can amend the Constitution but cannot alter its Basic Structure.

- Democracy
- Secularism
- Federalism
- Rule of Law
- Judicial Independence

D. Federal Structure

India follows a federal system where powers are divided between the Centre and the States. Parliament cannot normally legislate on subjects in the State List (e.g. Police, Agriculture), which limits its authority.

Q11 what do you understand by Judicial Review? Explain and also tell about its importance.

Ans

Judicial Review

India follows a federal system where powers are divided between the Centre and the States. Parliament cannot normally legislate on subjects in the State List (e.g. police, agriculture), which limits its authority. Judicial Review is the power of the judiciary to examine the constitutionality of laws passed by the legislature and actions taken by the executive.

In India, this power is mainly exercised by the (Article 13 and 32) and the High Courts (Article 226).

Basis of Judicial Review

- **Article 13:** Declares that laws inconsistent with fundamental rights are void.
- **Article 32 & 226:** Empower the Supreme Court and High Courts to issue writs for enforcement of rights.
- **Article 131–136:** Define the jurisdiction of the Supreme Court.
- **Article 246:** Deals with the distribution of legislative powers between Centre and States.

Importance

A. Protection of Fundamental Rights:

Judicial review acts as a safeguard against laws that may violate citizens' rights.

B. Maintaining Federal Balance:

India follows a federal system where powers are divided between the Centre and States.

C. Upholding Supremacy of the Constitution:

Judicial review ensures that the Constitution remains the supreme law and that Parliament does not become all-powerful.

D. Checking Executive Arbitrariness:

Judicial review ensures that government authorities act according to law, not on personal discretion, bias, or misuse of power.

Scope

1. Violation of Fundamental Rights
2. Lack of Legislative Competence
3. Violation of Constitutional Provisions

Landmark Cases

- **Golaknath Case (1967):** — Supreme Court held that Parliament cannot curtail Fundamental Rights.
- **Kesavananda Bharati Case (1973):** — Established that Parliament cannot alter the Basic Structure of the Constitution.
- **Minerva Mills Case (1980):** — Declared judicial review itself as a Basic Feature of the Constitution.

Q12 Explain Federal structure Of India in short.

Ans

Federal Structure of India

It is a unique feature of India. It is often described by constitutional experts as “Quasi-federal” or a “federal system” with a strong unitary bias. While it has all the features of a federation (like the US), it also gives the Central Government overarching powers (like the UK).

Key Federal Features

1. Dual Government
2. Written Constitution
3. Division of Powers
4. Supremacy of the Constitution
5. Independent Judiciary
6. Bicameralism

Legislative Relations (Articles 245–255)

1. Union List (List I):

Subjects of national importance like Defence, Foreign Affairs, Banking. Only Parliament legislates (approx. 100 subjects).

2. State List (List II):

Subjects like Police, Agriculture, Public Health. Normally State Legislatures legislate (approx. 61 subjects).

3. Concurrent List (List III):

Subjects like Education, Forests, Marriage. Both can legislate; in case of conflict, Union law prevails (Article 254).

Residuary Powers (Article 248)

Subjects not mentioned in any list belong to Parliament.



BUDDHA SERIES

(Unit-2 Solved Question & Answers)

Course – BBA 2nd SEM

College – Buddha Institute of
Management

(code-1212)

Department: Business Administration

Subject: Indian Constitution BBA207

Faculty Name: Khushi Dixit

UNIT 3

Question: Explain what is citizenship and how we can acquire citizenship in India?

Ans:

Citizenship

In India, citizenship is governed by **Articles 5 to 11** (Part II) of the Constitution and the **Citizenship Act, 1955**. India follows the principle of **Single Citizenship**, meaning there is no separate state citizenship (unlike the US).

How Citizenship is Acquired:

1. **Birth:** Born in India on or after Jan 26, 1950.
2. **Descent:** Born outside India but having Indian parentage.
3. **Registration:** For Persons of Indian Origin (PIO) or spouses of Indian citizens.
4. **Naturalization:** For foreigners residing in India for a specific period (usually 12 years).
5. **Incorporation of Territory:** If a new territory becomes part of India (e.g., Pondicherry).

Question: What are the Privileges Provided to an Indian citizen? Explain in detail.

Ans:

Fundamental Rights (The Privileges)

Rights are the "privileges" or legal protections granted to every citizen to ensure dignity and freedom. They are enforceable by courts under **Articles 12–35**.

A. Right to Equality (Articles 14–18)

- **Equality before law:** Everyone is equal in the eyes of the law.
- **Non-discrimination:** No discrimination based on religion, race, caste, sex, or place of birth.

- **Equal Opportunity:** Crucial for BBA students to note that this applies to public employment.

Right to Freedom (Articles 19–22)

This is the backbone of business operations in India. It includes:

- Freedom of **speech and expression**.
- Freedom to **assemble peacefully**.
- Freedom to **form associations or unions** (relevant for HR and labor relations).
- Freedom to **practice any profession** or carry on any occupation, trade, or business.

Right Against Exploitation (Articles 23–24)

- Prohibition of forced labor (begar) and human trafficking.
- Prohibition of employment of children in factories or hazardous industries (essential for **Supply Chain Ethics**).

Right to Freedom of Religion (Articles 25–28)

- India is a secular state; every citizen has the right to practice and propagate their religion.

Cultural and Educational Rights (Articles 29–30)

- Protection of the interests of minorities regarding their language, script, and culture.

Right to Constitutional Remedies (Article 32)

- Often called the "Soul of the Constitution," it allows citizens to move the Supreme Court if their rights are violated.

Question: Explain Fundamental Duties? Can we call it as Responsibility of a citizen towards our country?

Ans

Fundamental Duties (The Responsibilities)

Added by the **42nd Amendment (1976)**, these are the moral obligations of citizens to help maintain the sovereignty and spirit of the nation. They are listed under **Article 51A**.

Duty Type	Description
Respect National Symbols	Abide by the Constitution and respect the National Flag and Anthem.
Soiquity & Integrity	Uphold and protect the sovereignty, unity, and integrity of India.
Social Harmony	Promote harmony and the spirit of common brotherhood, transcending religious or linguistic diversities.
Environmental Care	Protect and improve the natural environment, including forests, lakes, rivers, and wildlife.
Scientific Temper	Develop scientific temper, humanism, and the spirit of inquiry and reform.
Public Property	Safeguard public property and abjure violence.
Excellence	Strive toward excellence in all spheres of individual and collective activity (Key for future managers).

Yes we can and should call it as a responsibility of any citizen towards our nation. As a citizen of we have rights it must followed with our duty to make India a clean and Progressive nation.

Question: What is the scope of Fundamental duties and is there any significance of Fundamental Duties in the nation?

Ans

Scope of Fundamental Duties

The scope of these duties is defined by their unique legal and social positioning:

- **Non-Enforceable (Non-Justiciable):** Unlike Fundamental Rights, you cannot sue a citizen in court for simply failing to follow these duties. However, the Parliament can enact specific laws to enforce them (e.g., the Prevention of Insults to National Honour Act).
- **Applicable Only to Citizens:** These duties do not extend to foreigners residing in India; they are exclusive moral obligations for Indian nationals.

- **Constitutional Interpretation:** The Supreme Court has ruled that if a law seeks to give effect to a Fundamental Duty, it may be considered “reasonable” in relation to Article 14 or Article 19, thus helping determine the constitutional validity of laws.

Significance in the Nation

Fundamental Duties play a crucial role in the social and political fabric of the country:

- **Balance Between Rights and Duties**
They serve as a constant reminder that rights and duties are correlative. A democratic society cannot function if citizens demand rights without acknowledging their responsibilities toward their fellow citizens and the state.
- **Deterrent Against Anti-Social Activities**
Duties like “safeguarding public property” and “abjuring violence” act as a warning against unconstitutional activities like burning public transport or damaging national monuments during protests.
- **Promotion of Patriotism and Discipline**
They foster a sense of discipline and commitment. By encouraging “scientific temper” and “excellence,” the Constitution aims to transform a passive population into an active, thinking citizenry that contributes to national progress.
- **Environmental and Cultural Protection**
In an era of climate change and rapid urbanization, the duty to protect the natural environment provides a moral and legal foundation for environmental activism and legislation (like the Wildlife Protection Act).
- **Social Cohesion**
By mandating the promotion of brotherhood and the renunciation of practices derogatory to women, the duties aim to bridge the gaps created by caste, religion, and gender inequality.

Question: Other than Fundamental Duties can you explain other responsibilities of a citizen towards his/her nation(India)?

Ams

OTHER RESPONSIBILITIES of A citizen

Legal Civic Obligations

These are mandated by law. Failure to perform these can result in legal action, fines, or imprisonment.

- **Obedience to the Law:** This is the most fundamental responsibility. It involves following the Indian Penal Code, traffic rules, and business regulations (like the Companies Act or GST norms).
- **Paying Taxes:** Taxes are the primary source of revenue for infrastructure, healthcare, and defense. Evading taxes is a criminal offense and hampers national growth.
- **Jury Duty/Witnessing:** While India does not have a jury system anymore, citizens are legally required to serve as witnesses in court if summoned to ensure the delivery of justice.

Democratic Responsibilities

These ensure that the democratic machinery of the country remains healthy and representative.

- **The Responsibility to Vote:** While voting is a right, it is also a critical responsibility. It allows citizens to hold the government accountable and choose leaders who align with the nation's economic and social interests.
- **Staying Informed:** A citizen must be aware of current affairs, government policies, and social issues. For BBA students, this includes staying updated on economic policies and market regulations.
- **Respecting the Rights of Others:** Democracy relies on tolerance. One must respect the diverse opinions, religions, and cultures of fellow citizens to maintain social harmony.

Social and Environmental Responsibilities

These are often viewed through the lens of “Social Capital”—the value created by people working together.

- **Protecting the Environment:** This includes conserving water, reducing plastic use, and preventing pollution. In business terms, this translates to supporting Sustainable Development.
- **Safeguarding Public Property:** Citizens have a duty to protect assets like parks, public transport, and government buildings. Vandalism or misuse of public resources increases the tax burden on everyone.

Question Explain the relationship between Privileges and Responsibilities?

Ans

THE RELATIONSHIP BETWEEN Rights (PRIVILEGES) and Responsibilities.

The relationship between rights and duties is often described as **two sides of the same coin**. In legal theory and political science, they are "correlative," meaning one cannot exist without the other. If one person has a right, another person (or the State) has a corresponding duty to respect it.

. The Correlative Nature (The "Link")

The most famous articulation of this relationship is that "**Your right is my duty, and my right is your duty.**"

- **Reciprocity:** If I have the right to free speech, I have the responsibility to allow you to speak as well. My right ends where your nose begins.
- **Legal Equilibrium:** Rights without responsibilities lead to anarchy (everyone doing what they want); responsibilities without rights lead to tyranny (slavery or total state control).

Key Dimensions of the Relationship

The Social Dimension

Rights are granted by society so that individuals can develop their potential. In return, society expects individuals to behave in a way that doesn't harm the collective.

- **Example:** You have the right to use public roads (Right), but you have the responsibility to follow traffic laws to ensure everyone's safety (Duty).

The Legal Dimension

In many constitutions, rights are **justiciable** (enforceable in court), while duties are often **moral or foundational**. However, the enjoyment of a right is often contingent on the fulfillment of a duty.

- **Example:** You have the right to protection by the police, which is funded by your responsibility to pay taxes.

Comparison Table: Rights vs. Responsibilities

Feature	Rights (Privileges)	Responsibilities (Duties)
Definition	Entitlements granted to an individual.	Obligations an individual owes to others/State.

Purpose	To protect individual freedom and dignity.	To maintain social order and national progress.
Focus	Self-centered (What I get).	Others-centered (What I give).
Example	Right to Education.	Duty to respect the laws of the land.

Why the Balance is Crucial

- **Prevention of Misuse:** Without responsibility, people might use their “freedom of speech” to incite violence or spread lies.
- **Sustainability of Democracy:** A democracy only functions when citizens take the responsibility to vote and stay informed. If everyone stays home, the “right to vote” becomes meaningless.
- **National Development:** Rights provide the opportunity to work and earn (Right to Profession), but the responsibility to work honestly and pay taxes builds the nation’s schools and hospitals.

Question: What is DPSP? Explain its features.

Ans

Directive principles of state policy

The Directive Principles of State Policy (DPSP) are contained in Part IV (Articles 36 to 51) of the Indian Constitution. Borrowed from the Irish Constitution, they are the "instructions" or guidelines issued to the State (Central, State, and Local governments) to guide them in framing laws and policies.

While Fundamental Rights are “negative obligations” (telling the State what not to do), DPSPs are “positive obligations” (telling the State what it should do) to create a socialistic, democratic, and welfare-oriented nation.

Key Characteristics of DPSPs

- **Non-Justiciable:** Unlike Fundamental Rights, you cannot go to court if the government fails to implement a DPSP (Article 37).
- **Fundamental in Governance:** Article 37 explicitly states that these principles are “fundamental in the governance of the country.”
- **Goal:** To establish Social and Economic Democracy, whereas Fundamental Rights aim for Political Democracy.

Question: How are the DPSPs classified? Explain the articles provided in each?

Ans

Classification of DPSPs

The Constitution does not formally classify them, but based on their content, they are grouped into three categories:

A. Socialistic Principles (Aim for social and economic equality)

- Article 38: To promote the welfare of people by securing a social order permeated by justice—social, economic, and political.
- Article 39: To secure adequate means of livelihood, equitable distribution of resources, and equal pay for equal work for both men and women.
- Article 39A: To provide Free Legal Aid to the poor.
- Article 41: Right to work, to education, and to public assistance in cases of unemployment, old age, or sickness.

B. Gandhian Principles (Based on Gandhi's ideology)

- Article 40: Organization of Village Panchayats.
- Article 43: Promotion of cottage industries in rural areas.
- Article 46: Promotion of educational and economic interests of SCs, STs, and other weaker sections.
- Article 47: Prohibition of the consumption of intoxicating drinks and drugs.

C. Liberal-Intellectual Principles

- Article 44: Uniform Civil Code (UCC) for all citizens.
- Article 45: Provision for early childhood care and education to children below the age of six years.
- Article 48A: Protection and improvement of the environment and safeguarding of forests and wildlife.
- Article 51: Promotion of international peace and security.

Question: is there any relevance of DPSPs in Modern Indian Society? Justify your answer.

Ans

Present Relevance of DPSP in Indian Society

The DPSPs are the “conscience of the Constitution.” Their relevance today is visible in almost every major government policy.

Economic Justice and Poverty Alleviation

- The state’s effort to reduce income inequality (Art. 38 & 39) is seen in schemes like:
- MGNREGA: Provides a “Right to Work” (Art. 41) in rural areas.
- PM-Kisan: Direct income support to farmers.
- Pradhan Mantri Awas Yojana: Aiming for shelter for all.

Social Equity and Education

Right to Education (RTE) Act: Originally a DPSP (Art. 45), it was moved to Fundamental Rights (Art. 21A) through the 86th Amendment, showing how DPSPs act as a roadmap for future laws.

Reservation Policies: Implementing Art. 46 to uplift marginalized communities.

Women Empowerment

- Maternity Benefit Act: Fulfills Article 42, which requires the state to make provisions for just and humane conditions of work and maternity relief.
- Equal Remuneration Act: Ensures “Equal pay for equal work” (Art. 39).

Environment and Health

- Swachh Bharat Mission: Connects to Art. 47 (raising the level of nutrition and standard of living).
- Environmental Protection Act & Wildlife Protection Act: Direct results of Article 48A.
- Liquor Bans: States like Bihar and Gujarat use Article 47 as the constitutional basis for prohibiting alcohol.

Legal and Judicial Access

NALSA (National Legal Services Authority): Provides Free Legal Aid (Art. 39A) to ensure that justice is not denied to any citizen by reason of economic disabilities.

Conflict between Fundamental Rights (FR) and DPSP

In the famous *Minerva Mills Case* (1980), the Supreme Court ruled that the Constitution is founded on the bedrock of the balance between Part III (FR) and Part IV (DPSP).

- They are not superior to each other.
- They are complementary. To give a person the “Right to Life” (FR), the State must provide “Livelihood” (DPSP).

Question: What is Union Executive and what are the components of Union Executive in India? Explain briefly and why did India chose this system.

Or

Explain the Parliamentary system of India (Executive Part) and why did India chose this system?

Ans

UNION EXECUTIVE

In India, the Union Executive is based on the Westminster model of a parliamentary system. This system is characterized by a “dual executive,” where the head of state and the head of government are two separate entities, and the executive is directly responsible to the legislature.

Components of the Union Executive

As per Part V of the Constitution (Articles 52 to 78), the Union Executive consists of:

- The President (Nominal Head)
- The Vice-President
- The Prime Minister (Real Head)
- The Council of Ministers
- The Attorney General for India

The Power Structure: Nominal vs. Real

One of the most important things to understand is the distinction between who "has" the power and who "uses" it:

(Nominal): The President. All official actions are taken in their name, but they usually act only on advice.

(Real): The Prime Minister. They hold the actual power and lead the decision-making process.

The rules for the Union Executive are found in **Part V (Articles 52 to 78)** of the Constitution.

Article	What it says in simple terms
Article 52	There shall be a President of India.
Article 53	The executive power of the Union is vested in the President.
Article 74	There shall be a Council of Ministers with the PM at the head to aid and advise the President.
Article 75	The PM is appointed by the President, and other ministers are appointed on the PM's advice.
Article 75(3)	The Council of Ministers is collectively responsible to the Lok Sabha (the House of the People).

How the Parliamentary System Works

In our system, the Executive and the Legislature (Parliament) are closely linked:

- **Membership:** To be a Minister, you must be a member of Parliament (MP). If you aren't an MP, you must become one within 6 months.
- **Collective Responsibility:** This is the "sink or swim together" rule. If the Lok Sabha passes a "No-Confidence Motion" against the government, the entire Council of Ministers must resign.
- **Political Homogeneity:** Usually, the members of the Executive belong to the same political party or a coalition sharing a common program.

Why did India choose this system

The makers of our Constitution preferred the Parliamentary system over the Presidential system (like the USA) for two main reasons:

1. **Familiarity:** We were already used to this system during British rule.
2. **Responsibility over Stability:** They wanted a government that is constantly accountable to the people's representatives, even if it meant the government could fall more easily.

Question: Define the articles related to president?

Ans

PRESIDENT OF INDIA

The **President of India** is the ceremonial Head of State and the first citizen of the country. Under the Constitution, the President represents the unity and integrity of the nation, while the actual governance is carried out by the Prime Minister.

Constitutional Provisions of President

The legal framework for the President is mainly found in **Part V** of the Constitution:

- **Article 52:** There shall be a President of India.
- **Article 53:** The executive power of the Union is vested in the President.
- **Article 54 & 55:** Explain the **Electoral College** (elected members of Parliament and State Legislative Assemblies) and the method of **proportional representation** used for election.
- **Article 58:** Qualifications—A person must be a citizen of India, at least **35 years old**, and qualified to be a member of the Lok Sabha.
- **Article 60:** The President takes an Oath (given by the Chief Justice of India).
- **Article 61:** Explains the procedure of **Impeachment** (removal of President) for "violation of the Constitution."

Question: Explain in detail the works and powers of the President.

Ans

Works and Powers of the President

The President's work and powers can be divided into different areas:

A. Executive Powers

All executive actions of the Government of India are formally taken in the President's name.

- **Appointments:** The President appoints the Prime Minister, other Ministers, Governors, the Attorney General, the CAG, and the Chief Election Commissioner.

- **Administration:** The President administers **Union Territories** through administrators or Lieutenant Governors.

B. Legislative Powers

The President is an important part of Parliament (President + Lok Sabha + Rajya Sabha).

- **Summoning:** The President calls sessions of Parliament, can end sessions (prorogue), and can dissolve the Lok Sabha.
- **Assent to Bills:** A bill becomes law only after the President's approval. The President may approve, withhold approval, or return a bill (except Money Bills) for reconsideration.
- **Ordinances (Article 123):** When Parliament is not in session, the President can issue ordinances which have the same force as law.

C. Judicial and Pardoning Powers (Article 72)

The President can grant **pardons, reprieves, or remissions** of punishment. This means the President can reduce or cancel punishment, including changing a death sentence.

D. Financial Powers

- **Money Bills:** Can only be introduced in Lok Sabha with the President's prior recommendation.
- **Contingency Fund:** The President can allow money from the Contingency Fund of India for unexpected expenses.

E. Emergency Powers

The Constitution gives the President special powers during emergencies:

1. **National Emergency (Article 352):** In case of war, external aggression, or armed rebellion.
2. **President's Rule (Article 356):** When constitutional machinery fails in a state.
3. **Financial Emergency (Article 360):** When the financial stability of India is under threat.

F. Military Powers

The President is the **Supreme Commander** of India's Defence Forces.

- Appoints the Chiefs of Army, Navy, and Air Force.

- Can declare war or conclude peace (subject to Parliament's approval).

Although the President has many powers on paper, **Article 74** says the President works on the **aid and advice** of the Council of Ministers. This means the President usually acts according to the advice of the Prime Minister and Cabinet.

Still, the President is not just a figurehead. The President :

- Protects the Constitution and ensures the government acts within constitutional limits.
- Can advise and guide the Prime Minister, especially during political crises.

Question Explain the Pardoning powers of President in detail.

Ans

President's Pardoning Power

The President's Pardoning Power in India means the power of the President of India to forgive, reduce, or modify punishments given to a person convicted of an offence.

Constitutional Provision

This power is given under Article 72 of the Constitution of India.

Article 72 says the President can grant:

Pardon

Complete forgiveness. Conviction and punishment is completely removed.

Person is freed from all punishment. Example: Death sentence is cancelled fully.

Commutation

Change a harsher punishment into a lighter one example:

- Death penalty → Life imprisonment
- Rigorous imprisonment → Simple imprisonment

Remission

Reduce the period of sentence, but nature of punishment remains same. Example: 10 years imprisonment → 5 years imprisonment. (Prison remains prison, only duration reduced.)

Respite

Award lesser sentence due to special circumstances. Grounds may include: Pregnancy, physical disability or old age, etc Example: 2 years imprisonment may be reduced to 6 months.

Reprieve

Temporary stay (delay) of execution, especially in death sentence cases.

Purpose: to allow time to seek mercy or appeal. Example: execution postponed for a month.

Question describe about the articles related to Prime Minister in brief.

Ams

The office of the Prime Minister in India is central to the parliamentary system. Although the Constitution does not define the Prime Minister's powers in one single article, different Articles together establish the position, powers, and functions of the Prime Minister.

Article 74 – Council of Ministers to Aid and Advise the President

This is the foundation of the Prime Minister's authority. It provides that there shall be a Council of Ministers headed by the Prime Minister to aid and advise the President, who acts according to such advice (except in limited situations where reconsideration may be sought). Since the Prime Minister heads the Council, they become the real executive authority of the government.

Article 75 – Appointment, Tenure and Responsibility of Ministers

This article deals extensively with the Prime Minister and ministers. The Prime Minister is appointed by the President, and other ministers are appointed by the President on the advice of the Prime Minister. Article 75 also states that the Council of Ministers is collectively responsible to the Lok Sabha, meaning the Prime Minister must maintain majority support in the House. If the Prime Minister loses majority, the government falls.

Article 77 – Conduct of Government Business

This article says all executive action of the Government of India shall be taken in the name of the President. However, the actual conduct of business is carried out through rules framed by the government under the leadership of the Prime Minister.

Article 78 – Duties of the Prime Minister

This article specifically lists duties of the Prime Minister toward the President. The Prime Minister must communicate to the President all decisions of the Council of Ministers relating to administration and legislation. The Prime Minister must also provide information sought by the President and submit matters to the Council if the President so requires.

Question: What are the powers and functions of the Prime Minister

Ams

Powers and Functions of the Prime Minister

Head of Government

The Prime Minister is the real executive head and runs the government. While the President is the constitutional head, the Prime Minister exercises actual authority in day-to-day governance.

Formation of Ministry

The Prime Minister chooses ministers, decides their ranks (Cabinet Ministers, Ministers of State, etc.), distributes portfolios, and can ask a minister to resign. This makes the Prime Minister the architect of the ministry.

Leader of the Council of Ministers

The Prime Minister presides over cabinet meetings, coordinates ministers, resolves differences among ministries, and ensures collective responsibility. The entire ministry works under the Prime Minister's leadership.

Leader of the Lok Sabha

If the Prime Minister is from the Lok Sabha, they usually act as leader of the House. The Prime Minister guides legislative business, influences law-making, and defends government policies in Parliament.

Link Between President and Cabinet

Through Article 78, the Prime Minister acts as the bridge between the President of India and the Council of Ministers.

Policy Formulation

The Prime Minister plays a decisive role in shaping domestic, economic, and foreign policy. Major government decisions are generally taken under the Prime Minister's leadership.

Power over Administration

The Prime Minister supervises administration, coordinates departments, and often influences key appointments to important offices.

Role in Emergencies

Though emergency provisions are formally vested in the President under Articles 352, 356, and 360, the advice behind such actions comes through the Council led by the Prime Minister, giving the office a major practical role.

International Role

The Prime Minister often represents India in international forums, negotiations, and diplomacy, making the office significant in foreign affairs.

Question: what do you understand by Union Cabinet? Explain

Ans

The Union Cabinet is the highest decision-making body in the Indian government. It is the inner core of the Council of Ministers, consisting of senior ministers headed by the Prime Minister. While the Constitution uses the term Council of Ministers, the word Cabinet was specifically added by the 44th Constitutional Amendment (1978) in Article 352.

Constitutional Provisions Related to Union Cabinet

Article 74

It provides that there shall be a Council of Ministers headed by the Prime Minister to aid and advise the President. The Union Cabinet functions as the most powerful part of this Council and assists in major policy decisions.

Article 75

This deals with appointment of ministers. Ministers are appointed by the President on the advice of the Prime Minister. The Prime Minister forms the Cabinet, allocates portfolios, and can reshuffle or remove ministers. The Council of Ministers is collectively responsible to the Lok Sabha.

Article 77

It relates to conduct of government business. Cabinet decisions are implemented through the rules of business framed under this Article.

Article 78

The Prime Minister communicates Cabinet decisions to the President and acts as the link between the President and Cabinet.

Article 352

This Article specifically mentions the word Cabinet. A National Emergency can be proclaimed only on the written advice of the Cabinet, not merely the Prime Minister alone. This safeguard was added by the 44th Amendment.

Question: What is the composition and functions of Union cabinet?

Explain

Ans

Composition of Union Cabinet

The Union Cabinet consists of Cabinet Ministers only. These are senior ministers heading important ministries such as Home, Finance, Defence, and External Affairs. They are different from the wider Council of Ministers, which also includes Ministers of State and Deputy Ministers (where appointed).

Powers and Functions of the Union Cabinet

1. Policy Formulation

The Cabinet formulates national policies on political, economic, social, and foreign affairs. Major government decisions originate here.

2. Executive Functions

It directs and controls administration. Ministries work according to Cabinet decisions.

3. Legislative Functions

Most bills introduced in Parliament are based on Cabinet approval. The Cabinet decides legislative priorities and guides government bills through Parliament.

4. Financial Functions

The Cabinet controls financial policy. The budget is prepared under its direction before being presented in Parliament.

5. Coordinating Role

It coordinates the work of different ministries and resolves inter-ministerial conflicts.

Difference Between Cabinet and Council of Ministers

Council of Ministers = Larger body; includes all categories of ministers.

Cabinet = Smaller, powerful inner group of senior ministers.

All Cabinet members are ministers, but not all ministers are Cabinet members.



BUDDHA SERIES

(Unit-2 Solved Question & Answers)

Course – BBA 2nd SEM

College – Buddha Institute of
Management

(code-1212)

Department: Business Administration

Subject: Indian Constitution BBA207

Faculty Name: Khushi Dixit

UNIT 4

Q1 what is Parliament ?

Ans.

Parliament

According to **Article 79** of the Indian Constitution, the Parliament consists of the following three components:

- a) The President of India
- b) Rajya Sabha
- c) Lok Sabha.

Q2 what do you understand by Lok Sabha? Explain about its composition and constitutional Provisions related to it.

Ans

LOK SABHA

It is the “**House of the People**”, and is the lower house of India’s bicameral Parliament. It represents the people of India directly, as its members are chosen through direct elections.

Composition and Duration

The Constitution lays down the framework for how the Lok Sabha is structured and how long it lasts.

- **Maximum Strength:** Under **Article 81**, the maximum strength is fixed at **550** (530 from states and 20 from Union Territories).

Note: Previously, it was 552, but the provision for two nominated Anglo-Indians was abolished by the **104th Constitutional Amendment Act, 2019**.

- **Current Strength:** 543 members.
- **Term:** Under **Article 83(2)**, the normal term is **five years** from the date of its first meeting. However, the President can dissolve it earlier. During a proclamation of Emergency, this term can be extended by Parliament for one year at a time.

Constitutional Provision for Membership

To be a member of Lok Sabha, one must meet specific criteria defined in the Constitution.

Qualifications (Article 84)

A person must fulfill the following qualifications to become a member of Lok Sabha:

1. Must be a citizen of India.
2. Must be at least **25 years** of age.
3. Must make an oath or affirmation before the Election Commission.
4. Must possess other qualifications prescribed by Parliament.

Disqualifications (Article 102)

A person is disqualified if they:

1. Hold any office of profit under the Government of India or any State Government.
2. Are of unsound mind (declared by a court).
3. Are an undischarged insolvent.
4. Are not a citizen of India.
5. Are disqualified under the **Tenth Schedule (Anti-Defection Law)**.

Key Officers: The Speaker and Deputy Speaker

Article 93 mandates that the Lok Sabha shall choose two members of the House to be the Speaker and Deputy Speaker.

Features:

- **Speaker:** The presiding officer and the guardian of powers and privileges of the House. The Speaker does not vote in the first instance but exercises a casting vote in case of a tie.
- **Vacation of Office:** Under **Article 94**, the Speaker resigns by writing to the Deputy Speaker (and vice-versa). They can be removed by a resolution passed by a majority of all the then members.
- **Powers:** Decides whether a Bill is a **Money Bill** (their decision is final) and presides over joint sittings of both Houses.

Special Powers of the Lok Sabha

The Lok Sabha is more powerful than the Rajya Sabha (Upper House) in several critical areas:

- **Money Bills (Article 110 and 109):** Money Bills can only be introduced in the Lok Sabha. The Rajya Sabha has virtually no power over them; it can only delay them for **14 days**.
- **Council of Ministers (Article 75):** The Council of Ministers is collectively responsible only to the Lok Sabha. A **No-Confidence Motion** can only be moved and passed here.
- **Budget:** The Lok Sabha has the primary say in the passage of the Union Budget and demands for grants.

Important Sessions and Procedures

- **Quorum (Article 100):** The minimum number of members required to be present to conduct business is **one-tenth of the total membership** (approximately 55 members).
- **Summoning (Article 85):** The President summons the House. The gap between two sessions cannot exceed **six months**.
- **Joint Sitting (Article 108):** If there is a deadlock between the two Houses on an Ordinary Bill, the President calls a Joint Sitting, presided over by the Lok Sabha Speaker. Due to its numerical superiority, the Lok Sabha usually prevails.

Q what is Rajya Sabha in parliament. What is the role and Powers of Rajya sabha. Explain in detail

Ans

RAJYA SABHA

Rajya Sabha or “**Council of States**” is the upper house of India’s bicameral Parliament. It serves as a permanent body representing the interests of States and Union Territories, acting as a check on potential “hasty” legislation from the lower house.

Composition and Nature

Unlike the Lok Sabha, the Rajya Sabha is a permanent chamber and is not subject to dissolution.

- **Maximum Strength (Article 80):** The Constitution fixes the maximum strength at **250**.
12 members are nominated by the President from people having special knowledge or practical experience in **art, literature, science, and social service**.
- **Current Strength: 245 members.**
- **Permanent Body (Article 83(1)):** It does not dissolve; instead, **one-third of its members retire every second year**.
- **Term of Members:** While the House is permanent, the term of an individual member is **6 years**.

Election and Representation

The Rajya Sabha utilizes a different electoral system to ensure proportional representation.

- **Election Process:** Members are elected by the elected members of Legislative Assemblies of the States.
- **Voting System:** Election is held in accordance with the system of **proportional representation** by means of the **single transferable vote**.
- **Allocation of Seats:** The **Fourth Schedule** of the Constitution deals with allocation of seats in the Rajya Sabha to the States and Union Territories, based primarily on population.

Qualification and Disqualification

Qualifications

- Must be a citizen of India.
- Must be at least **30 years of age**.
- Must be a parliamentary elector in the State from which they are contesting.

Disqualifications (Article 102)

Similar to Lok Sabha, members are disqualified if they hold an office of profit, are of unsound mind, are undischarged insolvents, or lose their citizenship.

Presiding Officers

Article 89 defines the leadership of the House.

- **The Chairman:** The Vice-President of India is the ex-officio Chairman of the Rajya Sabha, but is not a member of the House.
- **The Deputy Chairman:** Elected by the Rajya Sabha from among its members. He performs Chairman's duties when the office is vacant or the Vice-President is acting as President.

Special Powers of the Rajya Sabha

- **Article 249 :** It can authorize Parliament to make laws on a subject in the State List in the national interest.
- **Article 312 :** It can authorize Parliament to create new **All-India Services** common to both the Centre and the States.
- **Emergency :** If a Proclamation of Emergency is issued when the Lok Sabha is dissolved, the Rajya Sabha has the power to approve the proclamation alone.

Limitations

- **Money Bills** → A Money Bill cannot be introduced in the Rajya Sabha.
- **No-Confidence Motion** → The motion cannot be introduced in the Rajya Sabha.

Q3 Explain in Detail about Parliamentary Committees

Ans

PARLIAMENTARY COMMITTEES

Parliamentary committees are the “**mini-parliament**” of India. Since the House as a whole is too large and lacks the time to scrutinize every piece of legislation or oversee the executive in detail, it delegates these tasks to smaller groups of members. Their authority is derived from **Article 105** (Privileges of Members) and **Article 118** (Parliament's authority to make rules relating to its procedure).

Classification of Committees

They are broadly divided into two categories:

A) Standing Committees (Permanent)

These are constituted every year or periodically and work on a continuous basis.

- **Financial Committees:** Scrutinize the government spending and accounts.
- **Departmentally Related Standing Committees (DRSCs):** There are **24 DRSCs** that oversee specific ministries.
- **Committees to Inquire:** Example — Committee on Privileges.
- **Committees to Scrutinize and Control.**

B) Ad-Hoc Committees (Temporary)

These are appointed for a specific task and cease to exist once they complete that task and submit a report.

- **Inquiry Committees:** Set up for specific events (e.g. Joint Parliamentary Committee on a scam).
- **Advisory Committees:** Set up to report on particular Bills (Select or Joint Committees on Bills).

The Three Financial Committees

These are the most powerful committees in the Indian Parliamentary system.

- **Public Accounts Committee (PAC):**
It consists of **22 members** (15 from Lok Sabha and 7 from Rajya Sabha). It examines the audit reports of the **Comptroller and Auditor General (CAG)**. Its Chairman is usually from the Opposition.
- **Estimates Committee:**
It consists of **30 members**, all from Lok Sabha. It suggests “**economies**” in public expenditure and examines budget estimates. It is the **largest committee**.
- **Committee on Public Undertakings (COPU):**
It consists of **22 members** (15 from Lok Sabha and 7 from Rajya Sabha). It examines the reports and accounts of **Public Sector Undertakings (PSUs)**.

Departmentally Related Standing Committees

Introduced in **1993**, there are currently **24** such committees.

- **Composition** → Each committee consists of **31 members** (21 from Lok Sabha and 10 from Rajya Sabha).
- **Objective:** To ensure better parliamentary control over the executive by making the administration more accountable.

- **Functions:**
 - To examine the **Demands for Grants** of concerned ministries.
 - To examine Bills pertaining to the ministry.
 - To consider annual reports.

Key Constitutional and Procedural Rules

- **Appointment:** Members are usually elected/appointed by the House, or nominated by the Chairman/Speaker.
- **Ministerial Restriction:** A Minister cannot be a member of the Financial Committees or the DRSCs. If a member is appointed as a Minister, they must resign from the committee.
- **Reports:** The reports of these committees are “**advisory**” in nature — the government is not legally bound by them.

Significance of the Committee System

- **Expertise:** Allows for in-depth discussion with the help of experts and stakeholders.
- **Non-Partisan Atmosphere:** Discussions are usually more collaborative and less theatrical than those on the floor of the House.
- **Accountability** → They act as a watchdog on government spending and policy implementation.

Q4 Explain in brief about Joint Parliamentary Committees and how are they formed.

Ans

Joint Parliamentary Committee (JPC)

A JPC is an **ad-hoc committee** set up to investigate a specific issue, typically a matter of major financial or administrative irregularity. It is dissolved once its report is submitted.

1. The Formation Process:-

- **A JPC can be formed by:-**
 - **Motion by the House:** One House passes a motion to form a JPC, which is then supported (concurred) by the other House.
 - **Communication between Presiding Officers:** The Speaker of the Lok Sabha and the Chairman of the Rajya Sabha can communicate to constitute it.

Composition and Ratio

- **Dual Representation:** It consists of members from both the Lok Sabha and the Rajya Sabha.
- **The 2:1 Ratio:** By convention, the number of members from the Lok Sabha is double that of the Rajya Sabha.

Example: If there are **30 members**, **20 members** are from the Lok Sabha and **10 members** from the Rajya Sabha.

- **Proportionality:** Members are nominated based on the strength of their respective political parties in Parliament to ensure all voices are heard.

Key Characteristics

- The Chairperson is usually a member of the ruling party.
- Its powers are defined specifically by the motion that creates it.
- A JPC has the authority to summon individuals, call for documents, and take oral evidence from experts or officials.

Q4 can you explain the terms like: Session and sittings and procedure for discussion in brief

Ans

Important Parliamentary Terminologies

To understand the functioning of the Indian Parliament, it is essential to grasp the specific language used in the House. These terms are derived from the Constitution, the Rules of Procedure, and long-standing parliamentary conventions.

Sessions and Sittings

These terms define when and how the House meets.

- **Summoning:** The President issues a notice to all members to meet. Under **Article 85**, there must not be a gap of more than **6 months** between two sessions.
- **Adjournment:** This terminates a sitting of the House for a specific time (hours, days or weeks). It does not affect the pending Bills.
- **Adjournment Sine Die:** Terminating a sitting for an indefinite period without naming a day for reassembly.
- **Prorogation:** Unlike adjournment, this terminates a session of the House. It is done by the President under **Article 85(2)(a)**.
- **Dissolution:** This ends the life of the Lok Sabha entirely. A new Lok Sabha must be constituted after general elections.

Procedures for Discussion

The daily business follows a strict sequence to ensure order.

- **Question Hour:** Usually the **first hour** of every parliamentary sitting. Members ask questions to ministers regarding government functioning.
 - **Starred Question:** Requires an oral answer; supplementary questions can follow.

- **Unstarred Questions:** Requires a written answer; no supplementary questions allowed.
- **Zero Hour:** An informal period that starts immediately after Question Hour. Members can raise matters of urgent public importance without prior notice. This is an Indian parliamentary innovation (not mentioned in the Rules of Procedure).
- **Quorum:** The minimum number of members (**one-tenth of total membership**) required to be present to transact business (**Article 100**).

Q6 What are Parliamentary Motions ? Explain in detail

Ans

Parliamentary Motions

Motions are formal proposals made by a member to the House to take a decision or express an opinion.

- **No-Confidence Motion** → Moved only in Lok Sabha to test the collective responsibility of the Council of Ministers. If passed, the government must resign.
- **Censure Motion** → Moved to criticize a specific policy or a specific minister. The government does not resign if it passes.
- **Adjournment Motion** → To draw attention to a definite matter of urgent public importance. It interrupts the regular business of the House.
- **Privilege Motion:** Raised when a member believes a Minister has committed a breach of privilege (e.g. by withholding facts).

Voting and Legislation

- **Whip:** A directive issued by a political party to its members to vote in a particular way. In India, defying a whip can lead to disqualification under the **Anti-Defection Law**.
- **Guillotine** → A procedure where the Speaker puts all outstanding **Demands for Grants** to vote immediately, without further discussion, usually due to time constraints during the Budget Session.
- **Lame-Duck Session** → The last session of an existing Lok Sabha after a new Lok Sabha has been elected. Those who failed to get re-elected are called "**lame-ducks**."
- **Point of Order:** Raised by a member when they believe the proceedings of the House are not following the normal rules. It suspends the current proceedings.

Key Offices

- **Leader of the House:** Usually the Prime Minister (in Lok Sabha) or a Minister nominated by them.
- **Leader of the Opposition** → To be recognized, a party must have at least **10% of the total seats** in the House.
- **Pro-tem Speaker:** A temporary Speaker (usually the senior-most member) appointed by the President to preside over the first sitting of a new Lok Sabha and administer oaths to new members.

Legislative Documents

- **Bill:** A draft of a proposed law. It becomes an Act only after it is passed by both Houses and receives the assent of the Head of State.
- **Ordinance:** A law promulgated by the Head of State when Parliament is not in session. It has the same force as an Act but is temporary.
- **White Paper:** An authoritative government report that outlines a policy or proposes a specific track for future legislation.

Q7 Explain about the Judicial system of India in detail.

Ans

JUDICIAL SYSTEM OF INDIA

The judicial system in India is a **unified, integrated pyramid structure**. Unlike federal systems like the **United States**, the Indian judiciary functions as a single hierarchy to enforce both Union and State laws.

The Hierarchy of Courts

The structure is designed to provide multiple levels of appeal, ensuring that legal grievances can be escalated if a party feels justice was not served.

So, the structure consists of:

- A) **The Supreme Court of India (Apex Court)**
- B) **The High Courts (State Level)**
- C) **Subordinate Courts**

- District Courts
- Session Courts

Key Legal Concepts

To understand how the system works, it rests on three foundational pillars:

- **Independence of the Judiciary:**
The judiciary is independent of the Executive and the Legislature. This is ensured through fixed service conditions and a difficult removal process for judges (**impeachment**).
- **Public Interest Litigation (PIL):**
A unique Indian innovation where any public-spirited citizen can file a case on behalf of those whose rights are being violated but who cannot access the court themselves.
- **Collegium System:**
A system where a group of the most senior judges of the Supreme Court decides on the appointment and transfer of judges, rather than the government having the final say.

Types of Law and Jurisdiction

The Indian legal system categorizes cases into two distinct streams:

	A) Civil Law	B) Criminal Law
Focus	Disputes over rights, property, or contracts	Offenses against the public/state
Objective	To provide compensation or settle a dispute	To punish the offender and maintain social order
Initiated by	A petition filed by the aggrieved party	Usually starts with an FIR at a Police Station

Q9 What is Alternative Dispute Resolution tell me in brief.

Ans

Alternative Dispute Resolution (ADR)

To reduce the massive backlogs of cases (**pendency**), India uses:

- **Lok Adalats:** Informal forums where pending cases or cases at the pre-litigation stage are settled through compromise and fast-tracked.
- **Tribunals** → Specialized **quasi-judicial** bodies that handle specific issues like taxes, environment (**NGT**), or administrative disputes (**CAT**).
- **Mediation and Arbitration** → Private methods to settle commercial and civil disputes outside the courtroom.

Q10 write a note on Supreme Court of India in detail.

Ans

The Supreme Court (Articles 124–147)

The Supreme Court is the “**Guardian of the Constitution**” and the highest court of appeal.

Establishment (Art. 124):

It consists of the **Chief Justice of India (CJI)** and other judges (**currently 34**). Judges are appointed by the President.

Court of Record (Art. 129):

Its decisions are recorded for perpetual memory and testimony. It has the power to punish for its own contempt.

Original Jurisdiction (Art. 131):

Deals with federal disputes—conflicts between the Centre and States or between two or more States.

Appellate Jurisdiction (Art. 132–134):

Hears appeals against High Court judgments in constitutional, civil, or criminal matters.

Special Leave Petition (Art. 136):

A discretionary power where the Supreme Court can grant “**special leave**” to appeal against any judgment from any court/tribunal in the country.

Advisory Jurisdiction (Art. 143):

The President can seek the Supreme Court’s opinion on questions of law or fact of public importance.

Curative Power (Art. 142):

Allows the Supreme Court to pass any order necessary for doing “**complete justice**” in any cause or matter pending before it.

Q10 write a note on High Courts of India in detail.

Ans

The High Courts (Articles 214–231)

Each State (or group of States) has a High Court, which is the highest judicial authority at the State level.

Establishment (Art. 214):

Provides that there shall be a High Court for each State. However, **Art. 231** allows Parliament to establish a common High Court for two or more States (e.g. **Punjab and Haryana High Court**).

Court of Record (Art. 215):

Similar to the Supreme Court, High Courts have the power to punish for contempt and their records hold evidentiary value.

- **Appointment of Judges (Art. 217):**

High Court judges are appointed by the **President** in consultation with the **CJI and the Governor of the state**.

- **Writ Jurisdiction (Art. 226):**

High Courts can issue writs (*Habeas Corpus, Mandamus, etc.*) for the enforcement of

Fundamental Rights and any other legal right.

This makes **Art. 226 broader in scope than Art. 32** of the SC.

- **Power of Superintendence (Art. 227):**

Every High Court has the power of superintendence over all courts and tribunals within its territorial jurisdiction.

Q11 what are subordinate courts? Write a short note on it.

Ans

Subordinate Courts (Articles 233–237)

These courts function under the **administrative and judicial control of the High Court.**

- **Appointment of District Judges (Art. 233):**

The **Governor of the State** makes appointments, postings, and promotions of district judges in consultation with the High Court.

- **Recruitment (Art. 234):**

Appointments of persons other than district judges to the judicial service are made by the Governor in accordance with rules made after consultation with the **State Public Service Commission and the High Court.**

- **Control (Art. 235):**

The High Court exercises complete administrative control over the subordinate judiciary (*postings, leave, promotions, discipline*).

Table of Key Differences

Feature	Supreme Court	High Courts	Subordinate Courts
Constitutional Part	Part V (Union)	Part VI (States)	Part VI (States)
Jurisdiction	Pan-India	Territorial (State/UT)	District level
Writ Power	Article 32 (FR only)	Article 226 (FR + Legal)	Limited/None
Retirement Age	65 Years	62 Years	Varies (usually 60)
Appointing Authority	President	President	Governor

Modern Developments (2024–2026)

- **Virtual Courts:**
Under the **e-Courts mission**, over **3,000 courts** are now equipped for video conferencing to reduce the physical burden on litigants.
- **Bail Jurisprudence:**
Recent SC rulings (2025–26) have emphasized that “**Bail is the rule, Jail is the exception,**” even under strict laws like the **PMLA**, to protect the **Right to Speedy Trial under Article 21**.
- **Decriminalization:**
The government has recently decriminalized nearly **200 minor provisions across central laws** to reduce the **pendency (backlog)** of cases in the subordinate judiciary.

Q12 What is Judicial Review and Judicial Activism. Explain in detail.

Ans

Judicial Review and Judicial Activism

The relationship between **Judicial Review** and **Judicial Activism** is often described as **a tool versus the intent**. While Judicial Review is a power explicitly or implicitly granted by the Constitution, Judicial Activism is a **philosophy of how that power is exercised**.

Judicial Review

Judicial Review is the **power of the judiciary to examine the constitutionality of legislative enactments and executive orders**. If a law or order is found to be in violation of the Constitution, the court can declare it **ultra vires (void)**.

Constitutional Basis

Though the phrase “**Judicial Review**” is not explicitly mentioned in the Constitution, it is woven into several Articles:

- **Article 13:**
Declares that all laws that are inconsistent with or in derogation of the **Fundamental Rights shall be void**.
- **Articles 32 & 226:**
Grant the **Supreme Court and High Courts** the power to issue writs.
- **Articles 131–136:**
Define the **adjudicatory and appellate powers of the Supreme Court**.
- **Article 246:**
Concerns the **distribution of legislative powers between the Union and States**.

The Scope

The court can review:

1. **Legislative Actions:**
Whether the law violates **Fundamental Rights or the division of powers.**
2. **Administrative Actions:**
Whether the executive exceeded its authority or acted with **mala fide (bad faith) intent.**
3. **Constitutional Amendments:**
Under the **Basic Structure Doctrine** (*Kesavananda Bharati case, 1973*), the court can strike down amendments that alter the **core features of the Constitution.**

Judicial Activism

Judicial Activism refers to the judiciary taking a **proactive role in protecting the rights of citizens and promoting justice**, often stepping into the shoes of the legislature or executive when they fail to act.

Origin and Evolution

- **Concept:**
It originated in the **United States** but gained immense popularity in India during the **late 1970s.**
- **Catalyst:**
The primary vehicle for activism in India is **Public Interest Litigation (PIL).** By relaxing the rule of **Locus Standi** (*which previously meant only the affected person could move court*), the judiciary allowed any **public-spirited citizen** to file a case for the downtrodden.

Examples of Activism

- **Environmental Protection:**
The **Green Bench of the Supreme Court** has passed numerous orders on **air pollution, waste management, and river cleaning.**
- **Social Justice:**
Formulation of the **Vishaka Guidelines** to prevent **sexual harassment at workplaces** (*at a time when no law existed*).
- **Prison Reforms:**
Improving the **living conditions of under-trial prisoners.**

Comparison: Review vs. Activism

Feature	Judicial Review	Judicial Activism
Nature	A legal/constitutional power	A judicial philosophy or approach
Source	Derived from the Constitution (Art. 13, 32, etc.)	Derived from judicial creativity and PILs
Trigger	Usually triggered by a specific legal dispute	Often triggered by social issues or executive vacuum
Constraint	Limited to checking if a law follows the Constitution	Can involve the court giving directions or making “policy”

The debate

While activism is often praised for filling “**governance gaps**,” it frequently leads to a debate on **Judicial Overreach**.

- **Judicial Restraint:**
The opposite of activism. It suggests that judges should **limit the exercise of their power** and hesitate to strike down laws unless they are clearly unconstitutional, respecting the **Separation of Powers**.
- **Overreach:**
Occurs when the judiciary interferes with the proper functioning of the **legislative or executive organs**
(*e.g., trying to run the administration or making laws*).

This is often criticized as being **undemocratic**, as judges are **not elected by the people**.

Summary of the Basic Structure

It is important to remember that **Judicial Review is itself considered a Basic Structure of the Indian Constitution**.

Q13 Explain State Executive and State Legislature and then compare both of them

Ans.

State Executive and State Legislature

The **State Executive** and the **State Legislature** represent the **second tier of the Indian governance structure**, mirroring the **Union (Central) Government at the state level**. These provisions are primarily contained in **Part VI of the Constitution**.

Comparative Analysis of State Executive vs. State Legislature

Feature	State Executive	State Legislature
Constitutional Articles	Articles 153 to 167	Articles 168 to 212
Components	Governor, Chief Minister, Council of Ministers, and Advocate General of the State	Governor, Legislative Assembly (Vidhan Sabha), and Legislative Council (Vidhan Parishad – where applicable)
Function	Implementation: Enforces laws and carries out the administration of the state	Legislation: Frames laws, passes budgets, and exercises control over state finances
Head/Presiding Officer	Governor (Constitutional Head) and Chief Minister (Real Head)	Speaker (Assembly) and Chairman (Council)

Accountability	The Council of Ministers is collectively responsible to the Legislative Assembly	Members are directly (Assembly) or indirectly (Council) accountable to the electorate
Nature of Membership	Ministers must be members of the Legislature (<i>or become one within 6 months</i>)	Members are called MLAs (Assembly) or MLCs (Council)

The State Executive

The executive branch is responsible for the **day-to-day management of state affairs**.

- **The Governor (Art. 153–162):**
Appointed by the **President**. They act as a **bridge between the Centre and the State**.
While they are the formal head, they generally act on the “**aid and advice**” of the **Council of Ministers**.
- **Chief Minister (CM):**
The **real executive authority**.
The Governor appoints the **leader of the majority party in the Assembly** as the CM.
- **Advocate General (Art. 165):**
The **highest legal officer in the state**, corresponding to the **Attorney General of India**.

The State Legislature

India follows a **dual system for legislatures**: some states are **Unicameral (one house)**, and some are **Bicameral (two houses)**.

A. Legislative Assembly (Vidhan Sabha)

- **Nature:**
The **Lower House**, similar to the **Lok Sabha**.
- **Membership:**
Directly elected by the people.
- **Term:**
5 years (*can be dissolved earlier*).
- **Power:**
It is much more powerful than the Council, especially regarding **Money Bills**, which can only be introduced here.

B. Legislative Council (Vidhan Parishad)

- **Nature:**
The **Upper House**, similar to the **Rajya Sabha**.
- **Membership:**
Indirectly elected/nominated (*by MLAs, local bodies, teachers, graduates, and the Governor*).
- **Term:**
A **permanent body**; **1/3rd of members retire every second year**.

- **Current Status:**

Only a few states (*like Uttar Pradesh, Bihar, Maharashtra, Karnataka, Andhra Pradesh, and Telangana*) have a Council.

Relationship Between the state legislature and state Executive

The **Westminster model of democracy** ensures a **close link between these two branches**.

1. **Selection:**

The Executive (*CM and Ministers*) is **drawn from the Legislature**.

2. **Removal:**

The Legislature can remove the Executive through a **No-Confidence Motion**.

3. **Veto Power:**

Every bill passed by the Legislature requires the **Governor's Assent** to become law. The Governor can **return a bill (once)** or **reserve it for the President's consideration**.

4. **Ordinance Power (Art. 213):**

When the Legislature is not in session, the **Governor (Executive)** can issue **Ordinances** that have the same force as a law.



BUDDHA SERIES

(Unit-2 Solved Question & Answers)

Course – BBA 2nd SEM

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Faculty Name: Khushi Dixit

UNIT 5

Q1 What is State Executive. What are the components/ Composition of State Executive? Explain.

Ans

State Executive

. While the Union government (Center) handles the whole country, the State Executive focuses on its specific territory.

In India, the State Executive is covered under **Part VI** of the Constitution, specifically from **Articles 153 to 167**.

The Key Players

The State Executive consists of four main components:

1. **The Governor**
2. **The Chief Minister**
3. **The Council of Ministers**
4. **The Advocate General of the State**

. The Governor (Articles 153–161)

The Governor is the **Constitutional Head** of the state. However, like the President at the Center, the Governor is a "nominal" head—meaning they hold the title, but real power lies elsewhere.

Appointment:

Appointed by the President for a 5-year term.

Key Roles:

- Acts as a bridge between the Center and the State.
- Formally appoints the Chief Minister and other ministers.
- Can grant pardons or reduce sentences (though limited compared to the President).

Article 153:

Mandates a Governor for each state (though one person can be Governor for two or more states).

2. The Chief Minister (CM)

If the Governor is the "Head of State," the Chief Minister is the **Head of Government**. This is where the real executive power sits.

Selection:

The Governor appoints the leader of the party with the majority in the State Legislative Assembly as the CM.

Powers:

- Advises the Governor on the appointment of other ministers.
- Presides over Cabinet meetings.
- Guides and controls the activities of all ministers.

3. Council of Ministers (Articles 163–164)

The CM doesn't work alone. They have a team called the Council of Ministers.

Article 163:

States there shall be a Council of Ministers with the CM at the head to aid and advise the Governor.

Collective Responsibility:

This is a crucial concept. The whole council is **collectively responsible** to the State Assembly. If the Assembly passes a **No-Confidence Motion**, the entire team (including the CM) must resign.

Size Limit:

The total number of ministers cannot exceed **15%** of the total strength of the State Legislative Assembly.

4. Advocate General for the State (Article 165)

The Advocate General is the highest law officer in the state—basically, the state's top lawyer.

Duty:

To give legal advice to the state government and perform other legal duties assigned by the Governor.

Eligibility:

Must be qualified to be appointed as a Judge of a High Court.

Right to Speak:

They can speak and take part in the proceedings of the State Legislature but **cannot vote**.

Q2 What is the Role and Functions of The Governor also Explain Powers of Governor.

Ans

The Governor

The Governor is the Constitutional Head of a State, often described as a “bridge” between the Central and State governments. While they hold the highest office in the state, they are a nominal executive, meaning they usually act on the advice of the Chief Minister and the Council of Ministers.

Constitutional Provisions

The key legal framework for the Governor is found in Part VI of the Constitution:

1. Article 153: Each state must have a Governor. However, one person can be the Governor for two or more states.
2. Article 154: All executive power of the state is vested in the Governor.
3. Article 155: The Governor is appointed by the President of India (not elected).
4. Article 156: They hold office for 5 years, but serve at the “pleasure of the President” (meaning they can be removed anytime).
5. Article 157 & 158: Qualifications: Must be an Indian citizen, at least 35 years old, and should not hold any other “office of profit” or be a member of Parliament/State Legislature.

Powers and Functions

The Governor’s powers are divided into four main categories, plus a unique “discretionary” power.

1. Executive Powers
 - Appointments: Appoints the Chief Minister, other Ministers (on CM’s advice), the Advocate General, and the Chairman/members of the State Public Service Commission.

- Administration: All official actions of the state government are technically taken in the Governor's name (Article 166).
- Information: They have the right to ask the Chief Minister for information regarding state administration.

2. Legislative Powers

- Summoning: They can call (summon) or end (prorogue) sessions of the State Legislature and can dissolve the Legislative Assembly.
- Addressing: They address the first session of the year and the first session after a general election.
- Bills: When a bill is passed by the legislature, the Governor can:
 - Give assent (it becomes law).
 - Withhold assent.
 - Return the bill (if not a Money Bill) for reconsideration.
 - Reserve the bill for the President's consideration.
 - Ordinances: Under Article 213, the Governor can issue "Ordinances" (temporary laws) when the legislature is not in session.

3. Financial Powers

- Budget: They ensure the "Annual Financial Statement" (Budget) is laid before the state legislature.
- Money Bills: These can only be introduced in the Assembly with the prior recommendation of the Governor.
- Contingency Fund: They can make advances from the State's Contingency Fund to meet unforeseen expenses.

4. Judicial Powers

Pardons (Article 161): They can grant pardons, reprieves, or remit punishments for crimes against state laws (but they cannot pardon a death sentence or court-martial sentences—that's only for the President).

Appointments: The President consults the Governor when appointing judges to the State High Court.

Discretionary Powers

Unlike the President, the Governor has Discretionary Powers—situations where they don't need to listen to the Council of Ministers:

1. Constitutional Discretion: Reserving a bill for the President or recommending President's Rule (Article 356) if the state machinery fails.
2. Situational Discretion: Appointing a CM when no party has a clear majority, or dismissing the Council of Ministers if they lose their majority and refuse to resign.

The Governor's role is unique because they must balance being a ceremonial figurehead for the state while also being the eyes and ears of the Central government.

Q3 Explain the role, functions, powers and constitutional provisions of CM

Ans

The Chief Minister (CM)

If the Governor is the "nominal head" (like a constitutional figurehead), the **Chief Minister (CM)** is the **Real Executive Authority** (*de facto* executive). In simple terms, the CM is the person who actually runs the state.

Constitutional Provisions

The Constitution doesn't provide a massive list of rules for the CM, but three specific articles define their existence and relationship with the Governor:

- **Article 163:** There shall be a Council of Ministers with the **Chief Minister at the head** to aid and advise the Governor.
- **Article 164:**
 - The CM is **appointed by the Governor** (usually the leader of the party with the most seats).
 - Other ministers are appointed by the Governor on the **advice of the CM**.
 - The Council of Ministers is **collectively responsible** to the State Legislative Assembly.
- **Article 167:** Defines the **duties of the CM** regarding furnishing information to the Governor.

Powers and Functions

The CM's powers are vast and can be looked at through their relationship with different bodies:

1. In Relation to the Council of Ministers

The CM is the "captain of the ship."

- **Portfolio Allocation:** The CM decides which minister gets which department (e.g., Home, Finance, Education).
- **Leadership:** They preside over Cabinet meetings and influence all major decisions.
- **Control:** They can ask a minister to resign or advise the Governor to dismiss them if there's a disagreement.
- **Collapse of Government:** If the CM resigns or dies, the **entire Council of Ministers automatically dissolves**.

2. In Relation to the Governor

The CM acts as the primary link between the Governor and the Cabinet.

- **Communication:** Under **Article 167**, the CM must communicate all decisions of the Council of Ministers to the Governor.
- **Advice on Appointments:** The Governor appoints top officials like the Advocate General, Chairman of the State Public Service Commission, and State Election Commissioners based on the CM's advice.

3. In Relation to the State Legislature

- **Session Management:** The CM advises the Governor on summoning (starting) and proroguing (ending) sessions of the legislature.
- **Dissolution:** They can recommend the dissolution of the Legislative Assembly to the Governor at any time (leading to fresh elections).
- **Policy Spokesperson:** The CM announces all major government policies on the floor of the House.

4. Other Roles

- **Chairman of State Planning Board:** Leads the state's economic planning.
- **Member of NITI Aayog:** Represents the state in the Governing Council of NITI Aayog and the Inter-State Council (both headed by the PM).
- **Crisis Manager:** Acts as the "Crisis Manager-in-Chief" during natural disasters or political emergencies in the state.
- **Political Head:** Serves as the political head of all state services.

Q4 Explain/ Elaborate State Cabinet. What do you Understand by it?

State Cabinet

While the Constitution frequently mentions the **Council of Ministers**, the **Cabinet** is the smaller, more powerful inner circle within that council. In simple terms, if the Council of Ministers is the entire team, the Cabinet consists of the "Senior Executives" who make the big decisions.

Constitutional Provisions

Interestingly, the word "Cabinet" was not originally in the Constitution. It was added later to clarify the government's functioning.

- **Article 163:** Mentions that a **Council of Ministers** will aid and advise the Governor. This is the legal foundation for the Cabinet's existence.
- **Article 164:** States that the Council of Ministers is **collectively responsible** to the State Legislative Assembly.

- **44th Amendment Act (1978):** While this primarily applied to the Union (Article 352), it formally recognized the "Cabinet" as a body consisting of the Prime Minister/Chief Minister and other ministers of cabinet rank.

Q5 explain the structure of State cabinet and how are they different from Council of Ministers.

Ans

Structure: Cabinet vs. Council of Ministers

It is important to distinguish between these two, as they are often confused:

Feature	Council of Ministers (Wide)	State Cabinet (Compact)
Size	Large (usually 15% of Assembly seats).	Small (usually 15 to 25 senior ministers).
Composition	Includes Cabinet Ministers, Ministers of State, and Deputy Ministers.	Includes only Cabinet Ministers.
Powers	It is the theoretical executive body.	It is the real decision-making body.
Meetings	Rarely meets as a whole body.	Meets frequently (usually once a week).

Q6 Explain the role and functions of Cabinet.

Ans

Role and Functions of the Cabinet

The Cabinet is the "steering wheel" of the state government. Its functions include:

1. Policy Formulation

The Cabinet is the supreme policy-making body of the state. It decides on matters like new laws, education policies, healthcare schemes, and industrial projects.

2. Supreme Executive Authority

It supervises the implementation of policies. Once the Cabinet makes a decision, all departments are bound to follow it.

3. Legislative Role

Almost all "Government Bills" introduced in the State Legislature are first drafted and approved by the Cabinet. They also decide when to summon or end sessions of the House.

4. Financial Control

The Cabinet reviews and approves the **State Budget** before it is presented in the Assembly. It also handles major financial decisions and tax reforms.

5. Coordination

The Cabinet acts as a coordinator between different departments (e.g., ensuring the Finance department and the Infrastructure department are on the same page for a new highway).

The Principle of Collective Responsibility

This is the "golden rule" of the Cabinet.

- **All for one, one for all:** Once the Cabinet makes a decision, every minister must support it publicly. If a minister disagrees with a Cabinet decision, they must resign.
- **The Assembly's Power:** If the Legislative Assembly passes a "Vote of No Confidence" against the government, the **entire Cabinet** (and the Council of Ministers) must resign together.

Cabinet Committees

Since the Cabinet has a lot of work, it often forms smaller groups called **Cabinet Committees** to focus on specific issues like:

- Political Affairs
- Economic Affairs
- Appointments
- Infrastructure

These committees help speed up decision-making and ensure that complex issues are analyzed by experts before reaching the full Cabinet.

Q7 what do you understand by Vidhan Sabha? Elaborate its functions too.

Ans

Vidhan Sabha (Legislative Assembly)

In India, the **State Legislature** can be either **Unicameral** (one house) or **Bicameral** (two houses). The **Vidhan Sabha (VS)**, also known as the Legislative Assembly, is the lower house and the most powerful body in the state.

Here is a detailed breakdown of the Vidhan Sabha, its provisions, and how it works.

Constitutional Provisions

The State Legislature is covered under **Articles 168 to 212** in Part VI of the Constitution.

- **Article 168:** Provides for a legislature for every state.
- **Article 170:** Governs the **Composition of the Vidhan Sabha**.
 - **Maximum Strength:** 500 members.
 - **Minimum Strength:** 60 members (exceptions exist for small states like Goa, Mizoram, and Sikkim).
- **Article 172:** Sets the **Duration**. The term is **5 years** unless dissolved earlier by the Governor. During a National Emergency, Parliament can extend this term by one year at a time.
- **Article 173:** Qualifications for membership:
 - Must be a citizen of India.
 - Must be at least **25 years of age**.
- **Article 178:** Provides for the **Speaker** and **Deputy Speaker** to lead the House.

Structure and Election

The Vidhan Sabha is the "Popular House" because its members, known as **MLAs (Members of Legislative Assembly)**, are elected directly by the people.

- **Direct Election:** Based on **Universal Adult Franchise** (citizens 18+ years old vote).
- **Territorial Constituencies:** The state is divided into areas (constituencies) so that each MLA represents roughly the same number of people.
- **Reservation:** Seats are reserved for Scheduled Castes (SC) and Scheduled Tribes (ST) based on their population proportion.

Work and Functions

The Vidhan Sabha is the engine room of the state. Its work can be categorized into four main areas:

1. Legislative Work (Law Making)

- The primary job is to make laws on subjects in the **State List** (like Police, Agriculture, Local Government) and the **Concurrent List** (like Education, Forests).
- A Bill becomes an Act only after the Vidhan Sabha passes it and the Governor signs it.

2. Financial Work (The Power of the Purse)

- **The Budget:** The state budget is presented and passed here.
- **Money Bills:** These can **only** be introduced in the Vidhan Sabha. Even in states with a second house (Vidhan Parishad), the Vidhan Sabha has the final say on money matters.
- **Taxation:** No tax can be levied or collected by the state government without the approval of the Vidhan Sabha.

3. Control over the Executive

- The Chief Minister and the Council of Ministers are "Collectively Responsible" to the Vidhan Sabha.
- MLAs keep the government in check by asking questions during **Question Hour**, moving motions (like Adjournment or Censure motions), and debating government policies.
- **No-Confidence Motion:** If the Vidhan Sabha passes this motion, the entire state government must resign.

4. Electoral Functions

- Elected MLAs participate in the election of the **President of India**.
- They also elect the members representing that state in the **Rajya Sabha** (Upper House of Parliament).

Key Officials of Vidhan Sabha

Position	Role
Speaker	Maintains order, decides if a bill is a Money Bill, and presides over meetings.
Deputy Speaker	Performs the Speaker's duties when the Speaker is absent.
Leader of the House	Usually the Chief Minister ; manages the government's agenda in the house.
Leader of Opposition	Leads the largest minority party; acts as a critic of government policies.

Q8 Explain Vidhan Parishad, it's powers and functions.

Ans

Vidhan Parishad (Legislative Council)

While the **Vidhan Sabha** is the "Lower House" (similar to the Lok Sabha), the **Vidhan Parishad** (Legislative Council) is the "**Upper House**" of a State Legislature.

Not every state has one. Currently, only **6 out of 28 states** have a Vidhan Parishad: Andhra Pradesh, Bihar, Karnataka, Maharashtra, Telangana, and Uttar Pradesh.

Constitutional Provisions

The Vidhan Parishad is governed by **Articles 169, 171, and 172**.

- **Article 169 (Creation/Abolition):** This is a unique feature. The Parliament can create or abolish a Vidhan Parishad if the State Assembly passes a resolution with a special majority. It is not a permanent fixture like the Rajya Sabha.
- **Article 171 (Composition):**
 - **Maximum Strength:** Cannot exceed **1/3rd** of the total members of the Vidhan Sabha.
 - **Minimum Strength:** Must have at least **40 members**.
- **Article 172 (Duration):** Like the Rajya Sabha, it is a **permanent body**. It cannot be dissolved. Members are elected for a **6-year term**, and **1/3rd** of them retire every two years.

Powers and Functions

The Vidhan Parishad is often called a "revisory house." Its powers are significantly less than the Vidhan Sabha.

1. Legislative Powers

- Ordinary Bills can originate in either house.
- **The Delaying Power:** If the Parishad disagrees with a bill passed by the Sabha, it can only delay it for a maximum of **4 months** (3 months the first time, and 1 month the second time). After that, the bill is considered passed. There is **no joint sitting** in the state legislature.

2. Financial Powers

- The Parishad has almost no power over money.
- Money Bills cannot be introduced here.
- Once a Money Bill is sent from the Sabha, the Parishad must return it within **14 days**. It cannot reject or amend it; it can only make recommendations which the Sabha is free to ignore.

3. Control over the Executive

- MLCs can ask questions and debate government policies.
- However, they **cannot** pass a "No-Confidence Motion" to remove the government. Only the Vidhan Sabha can do that.

Q9 Differentiate between Vidhan Sabha and Vidhan Parishad

Ans

Vidhan Sabha vs. Vidhan Parishad

Feature	Vidhan Sabha (Lower House)	Vidhan Parishad (Upper House)
Status	Mandatory for all states.	Optional (only in 6 states).

Elections	Direct (by the people).	Indirect (by various groups).
Age Limit	25 years.	30 years.
Money Bills	Final authority.	No real power (14-day limit).
Existence	Can be dissolved.	Permanent (members rotate).

Why does it exist?

The main purpose of the Vidhan Parishad is to ensure that legislation is not passed in a hurry.

Q10 what Do you understand by Election Commission of India? What are the Constitutional Provisions related to it in detail.

Ans

Election Commission of India (ECI)

The **Election Commission of India (ECI)** is the permanent, independent, and autonomous constitutional body responsible for administering elections in India. Often called the "Guardian of Elections," its primary goal is to ensure the democratic process remains free, fair, and credible.

Constitutional Provisions

The ECI is governed by **Part XV** of the Constitution, specifically **Articles 324 to 329**.

- **Article 324:** Vests the "superintendence, direction, and control" of elections in the Election Commission. This is a very broad power that allows the ECI to act even when there is no specific law for a situation.
- **Article 325:** No person can be excluded from the electoral rolls based on religion, race, caste, or sex.
- **Article 326:** Establishes **Universal Adult Franchise**, giving every citizen aged 18+ the right to vote.
- **Article 327 & 328:** Give power to Parliament and State Legislatures to make laws regarding elections (like the Representation of the People Acts).

Structure and Appointment

- The ECI consists of a **Chief Election Commissioner (CEC)** and two **Election Commissioners (ECs)**.
- They are appointed by the **President of India**.
- **Independence:** To ensure they aren't pressured by the government, the CEC can only be removed from office through a process similar to a Supreme Court Judge (Impeachment).

Q11 what are the work and functions of ECI

Ans

Key Work and Functions

The ECI handles the elections for the **Lok Sabha, Rajya Sabha, State Legislative Assemblies, State Legislative Councils**, and the offices of the **President and Vice-President**.

1. Administrative Functions

- **Electoral Rolls:** Preparing and updating the list of eligible voters.
- **Delimitation:** Determining the territorial boundaries of constituencies across the country.
- **Scheduling:** Deciding the dates and schedules for elections.
- **Recognition:** Granting recognition to political parties and allotting **election symbols**.

2. Regulatory Functions (The "Ref")

- **Model Code of Conduct (MCC):** Issuing and enforcing guidelines that political parties and candidates must follow during elections to ensure no party uses government resources for campaigning.
- **Expense Monitoring:** Setting limits on how much a candidate can spend on their campaign to prevent "money power" from winning.

3. Advisory and Quasi-Judicial Functions

- **Advising the President/Governor:** On matters of disqualification of members of Parliament or State Legislatures.
- **Settling Disputes:** Acting as a court for disputes related to party recognition and election symbols.

Q12 what is the role of Election Commission of India in Democracy

Ans

Role in Democracy

The ECI is considered the backbone of Indian democracy for several reasons:

- **Ensures a Level Playing Field:** By enforcing the Model Code of Conduct, it ensures the ruling party doesn't have an unfair advantage over the opposition.
- **Protection of Voter Rights:** It works to increase voter turnout (through programs like SVEEP) and ensures that even the most remote citizen has access to a polling booth.
- **Political Neutrality:** It maintains an arm's-length distance from the executive branch, ensuring that elections are not rigged or influenced by those in power.

- **Integrity of Results:** Through the use of EVMs (Electronic Voting Machines) and VVPATs, it ensures the counting process is transparent and accurate.

Important Note: State Election Commissions

It is a common misconception that the ECI conducts all elections.

- The **Election Commission of India** handles National and State-level elections.
- The **State Election Commissions** (under Articles 243K and 243ZA) are responsible for **Panchayat and Municipality** (Local Body) elections.

Q13 Explain the Electoral Process in India

Ans

Electoral Process in India

The electoral process in India is a massive, meticulously planned operation often described as the "largest exercise of democracy in the world." It transforms the constitutional provisions of the **Election Commission (ECI)** into the actual voting experience.

The 3 Stages of the Electoral Process

The process is generally divided into **Pre-Election**, **Election**, and **Post-Election** phases.

1. Pre-Election Phase (Preparation)

Before a single vote is cast, months of groundwork take place:

- **Delimitation:** The boundaries of constituencies are reviewed and fixed based on the latest census to ensure equal representation.
- **Electoral Rolls:** The "Voter List" is updated. Names of new voters (who turned 18) are added, and names of deceased or relocated persons are removed.
- **Voter ID (EPIC):** The ECI issues Electors Photo Identity Cards to prevent impersonation.

2. Election Phase (The Action)

This phase begins officially when the President (for Lok Sabha) or Governor (for State Assembly) issues a notification.

- **Notification & Nominations:** Candidates file their "Nomination Papers." They must also submit an **affidavit** disclosing their criminal records, assets, liabilities, and educational qualifications.
- **Scrutiny & Withdrawal:** The Returning Officer (RO) checks the papers for validity. Candidates are given a window to withdraw if they change their minds.
- **Campaigning:** This lasts for about two weeks. It ends **48 hours before** the polling hour begins (the "Silence Period").

- **Model Code of Conduct (MCC):** During this time, the ECI monitors speeches and government announcements to ensure no one gets an unfair advantage.

3. Post-Election Phase (Results)

- **Polling:** On election day, voters go to booths to cast votes using **Electronic Voting Machines (EVMs)** and **VVPATs** (voter-verifiable paper audit trail).
- **Counting:** Votes are counted under strict supervision.
- **Declaration:** The candidate with the most votes in a constituency is declared the winner (this is called the **First-Past-The-Post** system).

Voting Technology: EVM & VVPAT

To ensure transparency, India uses a two-device system:

1. **EVM (Electronic Voting Machine):** A simple machine where you press a button next to your chosen candidate's symbol.
2. **VVPAT:** A small machine attached to the EVM. When you vote, it prints a slip showing the candidate's name and symbol for 7 seconds behind a glass window. This allows the voter to verify that their vote went exactly where they intended.

Key Electoral Systems in India

System	Used For	How it works
First-Past-The-Post (FPTP)	Lok Sabha & Vidhan Sabha	The person with the highest number of votes wins, even if they don't have 50% of the total.
Proportional Representation (PR)	Rajya Sabha, President, VP	Voters rank candidates by preference (1st choice, 2nd choice, etc.).

Electoral Reforms

Over the years, the process has evolved to stay "free and fair":

- **1989:** Voting age was lowered from 21 to **18 years** (61st Amendment).
- **2013:** **NOTA (None of the Above)** option was introduced, allowing voters to reject all candidates.
- **C-Vigil App:** Allows citizens to report violations of the Model Code of Conduct in real-time by uploading photos or videos.

The "Role of the People"

While the ECI provides the machinery, the process depends on **Universal Adult Franchise (Article 326)**. In India, there are no literacy or property requirements to vote—every vote carries the exact same weight, whether it belongs to a billionaire or a daily wage worker.

The Indian Constitution is known as a **"living document"** because it can be changed to keep up with the times. It strikes a balance between being **rigid** (hard to change) and **flexible** (easy to change).

Q14 what is constitutional Amendments? Explain the process of amending the constitution and important Constitutional Amendments till date.

Constitutional Amendment

The Indian Constitution is known as a **"living document"** because it can be changed to keep up with the times. It strikes a balance between being **rigid** (hard to change) and **flexible** (easy to change).

Constitutional Provisions (Article 368)

The power to amend the Constitution is found in **Part XX**, specifically in **Article 368**.

The Three Methods of Amendment

Not every part of the Constitution is changed the same way. There are three paths:

1. Simple Majority:

These are changes that aren't technically considered "Constitutional Amendments" under Article 368. Examples include creating new states or changing the names of existing ones. A simple majority of those present and voting is enough.

2. Special Majority:

Most amendments fall here. It requires:

- A majority (more than **50%**) of the total membership of each House.
- A majority of **2/3rd** of the members of each House present and voting.

3. Special Majority + State Ratification:

For matters that affect the federal structure (like the powers of the High Courts, the election of the President, or GST), the amendment needs the Special Majority mentioned above **PLUS** the consent of **half of the State Legislatures**.

Note: The Parliament **cannot** amend the "Basic Structure" of the Constitution (established in the *Kesavananda Bharati* case, 1973).

Important Constitutional Amendments

Since 1950, there have been over 100 amendments. Here are the most significant ones:

Amendment	Year	Key Changes
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1st Amendment	1951	Added the 9th Schedule to protect land reform laws from judicial review. Restricted Freedom of Speech in the interest of "public order."
7th Amendment	1956	Reorganized states on a linguistic basis and introduced the concept of Union Territories.
42nd Amendment	1976	Known as the " Mini-Constitution. " Added the words Socialist, Secular, and Integrity to the Preamble. Added Fundamental Duties.
44th Amendment	1978	Reversed many changes of the 42nd Amendment (post-Emergency). Removed the Right to Property as a Fundamental Right.
52nd Amendment	1985	Added the 10th Schedule (Anti-Defection Law) to prevent politicians from switching parties for power.
61st Amendment	1989	Lowered the voting age from 21 to 18 years.
73rd & 74th	1992	Granted constitutional status to Panchayati Raj (Rural) and Municipalities (Urban) local governments.
86th Amendment	2002	Made Elementary Education a Fundamental Right (Article 21A) for children aged 6–14.
101st Amendment	2016	Introduced the Goods and Services Tax (GST) , creating a "One Nation, One Tax" system.
103rd Amendment	2019	Provided 10% reservation for the Economically Weaker Sections (EWS) in jobs and education.
106th Amendment	2023	Women's Reservation Bill (Nari Shakti Vandan Adhiniyam), reserving 1/3rd of seats in Lok Sabha and State Assemblies for women.

The Amendment Process Flow

The process is strictly internal to the Parliament; the public does not vote on amendments (no referendum).

1. Introduction:

An amendment bill can be introduced in either the Lok Sabha or Rajya Sabha (but not in State Legislatures).

2. No Joint Sitting:

Unlike ordinary bills, if the two Houses disagree on an amendment, the bill dies. There is **no provision for a joint sitting**.

3. Presidential Assent:

The President **must** give assent to a Constitutional Amendment Bill. They cannot return it or withhold it.