

GENERAL STUDIES**POLITY - 3*****Answer Key***

Q. 1 (b)	Q. 11 (a)	Q. 21 (d)	Q. 31 (d)	Q. 41 (a)
Q. 2 (b)	Q. 12 (c)	Q. 22 (b)	Q. 32 (a)	Q. 42 (c)
Q. 3 (c)	Q. 13 (a)	Q. 23 (c)	Q. 33 (a)	Q. 43 (c)
Q. 4 (c)	Q. 14 (d)	Q. 24 (c)	Q. 34 (a)	Q. 44 (c)
Q. 5 (b)	Q. 15 (c)	Q. 25 (b)	Q. 35 (b)	Q. 45 (c)
Q. 6 (d)	Q. 16 (a)	Q. 26 (d)	Q. 36 (a)	Q. 46 (b)
Q. 7 (b)	Q. 17 (b)	Q. 27 (d)	Q. 37 (b)	Q. 47 (d)
Q. 8 (b)	Q. 18 (b)	Q. 28 (b)	Q. 38 (b)	Q. 48 (b)
Q. 9 (b)	Q. 19 (d)	Q. 29 (c)	Q. 39 (a)	Q. 49 (d)
Q. 10 (a)	Q. 20 (a)	Q. 30 (a)	Q. 40 (a)	Q. 50 (d)

1. Correct Option: (b)

Explanation:

- Option (b) is correct

Supplementary notes:

Organization of Judiciary in India

- Though India has a dual polity, there is no dual system of administration of justice.
- **The Indian Constitution has established a pyramidal integrated judicial system with the Supreme Court at the top and the state high courts below it. This single system of courts enforces both the Central laws as well as the state laws.**
- This is done to eliminate diversities in the remedial procedure.
- The judiciary in a state consists of a high court and a hierarchy of subordinate courts. The high court occupies the top position in the judicial administration of a state.
- The judges of a state high court are appointed by the president in consultation with the Chief Justice of India and the governor of the state. They can also be transferred and removed by the president.
- Article 235 provides for control of high court over the subordinate courts. They function below and under the high court at district and lower levels.
- The appointment, posting and promotion of district judges in a state are made by the governor of the state in consultation with the high court.
- The Constitution of India provides for a high court for each state, but the Seventh Amendment Act of 1956 authorised the Parliament to establish a common high court for two or more states or for two or more states and a union territory.
- The territorial jurisdiction of a high court is co-terminus with the territory of a state. Similarly, the territorial jurisdiction of a common high court is co-terminus with the territories of the concerned states and union territory.
- **As per law, no death sentence imposed by a trial court can be executed unless the punishment is confirmed by the High Court too** and the Code of Criminal Procedure (CrPC) of 1973 requires trial courts to refer every judgement related to imposition of capital punishment to the jurisdictional High Court for confirmation.

2. Correct Option: (b)

Explanation:

- Option (b) is correct

Supplementary notes:

Hierarchy of Courts

- In India, broadly there are three tiers of civil and criminal courts below the High Court.
- The district judge is the highest judicial authority in the district. He possesses original and appellate jurisdiction in both civil as well as criminal matters.
- **Thus the district judge is also the sessions judge.** When he deals with civil cases, he is known as the district judge and when he hears the criminal cases, he is called as the sessions judge.
- The district judge exercises both judicial and administrative powers. He also has supervisory powers over all the subordinate courts in the district. Appeals against his orders and judgements lie to the High Court.
- **Below the District and Sessions Court stands the Court of Subordinate Judge** on the civil side and the Court of Chief Judicial Magistrate on the criminal side.
- The subordinate judge exercises unlimited pecuniary jurisdiction over civil suits. The chief judicial magistrate decides criminal cases which are punishable with imprisonment for a term up to seven years.
- **At the lowest level, on the civil side, is the Court of Munsiff** and on the criminal side, is the Court of Judicial Magistrate.
- The munsiff possesses limited jurisdiction and decides civil cases of small pecuniary stake. The judicial magistrate tries criminal cases which are punishable with imprisonment for a term up to three years.
- In some metropolitan cities, there are city civil courts on the civil side and the courts of metropolitan magistrates on the criminal side.
- Some of the States and Presidency towns have established small causes courts. These courts decide the civil cases of small value in a summary manner. Their decisions are final, but the High Court possesses a power of revision.

3. Correct Option: (c)

Explanation:

- Option (c) is incorrect: Constitution has not prescribed any minimum age for

appointment as a judge of the Supreme Court.

Supplementary notes:

Qualification of Supreme Court Judge

- The judges of the Supreme Court are appointed by the president. The chief justice is appointed by the president after consultation with such judges of the Supreme Court and high courts as he deems necessary.
- **As per the Second Judges Case (1993), only senior-most judge of the Supreme Court should alone be appointed to the office of the chief justice of India.**
- **The other judges are appointed by president after mandatorily consulting the chief justice.**
- As per the Third judges case of 1998, Chief Justice should consult a collegium of four seniormost judges of the Supreme Court while tendering his/her opinion to the President.
- A person to be appointed as a judge of the Supreme Court should have the following qualifications:
 - **He should be a citizen of India.**
 - He should have been a judge of a High Court (or high courts in succession) for five years; or
 - He should have been an advocate of a High Court (or High Courts in succession) for ten years; or
 - He should be a distinguished jurist in the opinion of the president.
- **Constitution has not prescribed a minimum age for appointment as a judge of the Supreme Court.**
- A person appointed as a judge of the Supreme Court, before entering upon his Office, has to make and subscribe an oath or affirmation before the President, or some person appointed by him for this purpose.

4. Correct Option: (c)

Explanation:

- **Both statements are correct**

Supplementary notes:

Removal of Supreme Court Judges

- The Constitution has not fixed the tenure of a judge of the Supreme Court. However, it makes the following three provisions in this regard:

- He/She holds office until he attains the age of 65 years. Any question regarding his age is to be determined by such authority and in such manner as provided by Parliament.
- He/She can resign his office by writing to the president.
- He/She can be removed from his office by the President on the recommendation of the Parliament.
- A judge of the Supreme Court can be removed from his Office by an order of the president. The President can issue the removal order only after an address by Parliament has been presented to him in the same session for such removal.
- The address must be supported by a special majority of each House of Parliament i.e., a majority of the total membership of that House and a majority of not less than two-thirds of the members of that House present and voting.
- **The grounds of removal are two—proved misbehaviour or incapacity.**
- **Removal motion signed by 100 members (in the case of Lok Sabha) or 50 members (in the case of Rajya Sabha) is to be given to the Speaker/Chairman.**
- **It is up to the Speaker/Chairman of the house to admit the motion or refuse to admit it.**
- If it is admitted, then the Speaker/Chairman is to constitute a three-member committee to investigate into the charges.
- The committee should consist of:
 - Chief justice or a judge of the Supreme Court,
 - Chief justice of a high court, and
 - A distinguished jurist.
- If the committee finds the judge to be guilty of misbehaviour or suffering from an incapacity, the House can take up the consideration of the motion and if passed and presented to the President, the judge is removed by his order.

5. Correct Option: (b)

Explanation:

- **Statement 1 is incorrect:** Every high court (whether exclusive or common) consists of a chief justice and such other judges as the president may from time to time deem necessary to appoint.

Supplementary notes:**Composition of high court**

- President determines the strength of a high court from time to time depending upon its workload.
- The institution of high court originated in India in 1862 when the high courts were set up at Calcutta, Bombay and Madras.
- The Constitution of India provides for a high court for each state, but the Seventh Amendment Act of 1956 authorised the Parliament to establish a common high court for two or more states or for two or more states and a union territory.

Appointment of Judges

- The judges of a high court are appointed by the President.
- The chief justice is appointed by the President after consultation with the chief justice of India and the governor of the state concerned.
- For appointment of other judges, the chief justice of the concerned high court is also consulted. In case of a common high court for two or more states, the governors of all the states concerned are consulted by the president.

6. Correct Option: (d)**Explanation:**

- **All pairs are correctly matched**

Supplementary notes:**Appointment of high court judges**

- In the *Second Judges* case (1993), the Supreme Court ruled that no appointment of a judge of the high court can be made, unless it is in conformity with the opinion of the chief justice of India.
- In the *Third Judges* case (1998), the Supreme Court opined that in case of the appointment of high court judges, the chief justice of India should consult a collegium of two senior-most judges of the Supreme Court.
- Thus, the sole opinion of the chief justice of India alone does not constitute the 'consultation' process.
- The 99th Constitutional Amendment Act of 2014 and the National Judicial Appointments Commission Act of 2014 have replaced the Collegium System of appointing judges to the Supreme Court and High Courts with a new body called the National Judicial Appointments Commission (NJAC).

- However, in 2015, the Supreme Court has declared both the 99th Constitutional Amendment as well as the NJAC Act as unconstitutional and void.

7. Correct Option: (b)**Explanation:**

- **Statement 1 is incorrect:** Constitution has not prescribed a minimum age for appointment as a judge of a high court.

Supplementary notes:**Qualification of judges of high courts**

- A person to be appointed as a judge of a high court, should have the following qualifications:
 - He should be a citizen of India.
 - He should have held a judicial office in the territory of India for ten years; or
 - He should have been an advocate of a high court (or high courts in succession) for ten years
- From the above, it is clear that the Constitution has not prescribed a minimum age for appointment as a judge of a high court.
- Moreover, unlike in the case of the Supreme Court, the Constitution makes no provision for appointment of a distinguished jurist as a judge of a high court.

8. Correct Option: (b)**Explanation:**

- **Statement 1 is incorrect:** The Speaker/Chairman may admit the motion or refuse to admit it.
- **Statement 2 is incorrect:** The constitution of India does not defines and gives details of what constitutes 'incapacity and proved misbehavior' of the judges of the High Court of India.

Supplementary notes:**Removal of judges of high court**

- The Judges Enquiry Act (1968) regulates the procedure relating to the removal of a judge of a high court by the process of impeachment:
- A removal motion signed by 100 members (in the case of Lok Sabha) or 50 members (in the case of Rajya Sabha) is to be given to the Speaker/Chairman.
- The Speaker/Chairman may admit the motion or refuse to admit it.

- If it is admitted, then the Speaker/Chairman is to constitute a three-member committee to investigate into the charges.
- The committee should consist of (a) the chief justice or a judge of the Supreme Court, (b) a chief justice of a high court, and (c) a distinguished jurist.
- If the committee finds the judge to be guilty of misbehavior or suffering from an incapacity, the House can take up the consideration of the motion.
- After the motion is passed by each House of Parliament by special majority, an address is presented to the president for removal of the judge.
- Finally, the president passes an order removing the judge.
- From the above, it is clear that the procedure for the impeachment of a judge of a high court is the same as that for a judge of the Supreme Court.
- It is interesting to know that no judge of a high court has been impeached so far.

9. Correct Option: (b)

Explanation:

- **Option b is correct:** The President can transfer a judge from one high court to another after consulting the Chief Justice of India.

Supplementary notes:

Transfer of judges of high court

- The President can transfer a judge from one high court to another after consulting the Chief Justice of India.
- On transfer, he is entitled to receive in addition to his salary such compensatory allowance as may be determined by Parliament.
- In 1977, the Supreme Court ruled that the transfer of high court judges could be resorted to only as an exceptional measure and only in public interest and not by way of punishment.
- Again in 1994, the Supreme Court held that judicial review is necessary to check arbitrariness in transfer of judges. But, only the judge who is transferred can challenge it.
- In the Third Judges case (1998), the Supreme Court opined that in case of the transfer of high court judges, the Chief Justice of India should consult, in addition to the collegium of four senior most judges of the Supreme Court, the chief justice of the two high

courts (one from which the judge is being transferred and the other receiving him).

- Thus, the sole opinion of the chief justice of India does not constitute the 'consultation' process.

10. Correct Option: (a)

Explanation:

- **Option (a) is correct**

Supplementary notes:

Independence of High Court

- The independence of a high court is very essential for the effective discharge of the duties assigned to it.
- It should be free from the encroachments, pressures and interferences of the executive (council of ministers) and the legislature. It should be allowed to do justice without fear or favour.
- The Constitution has made the following provisions to safeguard and ensure the independent and impartial functioning of a high court.
- Security of Tenure: The judges of a high court are provided with the security of tenure.
 - They can be removed from office by the president only in the manner and on the grounds mentioned in the Constitution.
 - This means that they do not hold their office during the pleasure of the president, though they are appointed by him.
 - This is obvious from the fact that no judge of a high court has been removed (or impeached) so far.

11. Correct option: (a)

Explanation:

- **Option (a) is correct**

Supplementary notes:

Appellate jurisdiction of the Supreme Court

- The Supreme Court is the Apex Court of India.
- It not only succeeded the Federal Court of India but also replaced the British Privy Council as the highest court of appeal.
- It is primarily the court of appeal and has the power to hear appeals against the judgment of the lower courts. It exercises wide appellate jurisdiction.

- The appellate power of the Supreme Court can be classified as:
 - Appeal in Constitutional matters
 - Appeal in civil matters.
 - Appeal in criminal matters
 - Appeal by Special Leave (discretionary power)

12. Correct option: (c)

Explanation:

- Both statement are correct

Supplementary notes:

Advisory Jurisdiction of the Supreme Court

- The Supreme Court has advisory jurisdiction over matters that have been specifically referred to it by the President of India under Article 143 of the Constitution.
 - There is no specific provision for such an advisory jurisdiction in the Constitution of the United States of America or that of Australia.
 - In fact, the American Supreme Court has refused to entertain such pleas by the Executive, it stated that it will focus on more concrete matters concerning the law of the land.
 - However, according to Section 60 of the Canadian Supreme Court Act, 1906, the Governor-General may refer to important questions of law to the Supreme Court for its advisory opinion.
 - A similar provision that empowered the Federal Court to give an advisory opinion on matters referred can be found in Section 213(1) of the Government of India Act, 1935. The draft constitution later replaced the words "Governor-General" and "Federal Court" with "President" and "Supreme Court" respectively.

13. Correct option: (a)

Explanation:

- Statement 2 is incorrect: The original jurisdiction of the Supreme Court does not extend to a dispute arising out of any pre-Constitution treaty.

Supplementary notes:

Original Jurisdiction of Supreme Court

- The original jurisdiction of the Supreme Court does not extend to the following:

- A dispute arising out of any pre-Constitution treaty, agreement, covenant, engagement, sanad or other similar instrument.
- A dispute arising out of any treaty, agreement, etc., which specifically provides that the said jurisdiction does not extend to such a dispute.
- Inter-state water disputes.
- Matters referred to the Finance Commission.
- Adjustment of certain expenses and pensions between the Centre and the states.
- Ordinary dispute of Commercial nature between the Centre and the states.
- Recovery of damages by a state against the Centre.
- The Constitution has constituted the Supreme Court as the guarantor and defender of the fundamental rights of the citizens.
- The Supreme Court is empowered to issue writs including habeas corpus, mandamus, prohibition, quo warranto and certiorari for the enforcement of the fundamental rights of an aggrieved citizen.
- In this regard, the Supreme Court has original jurisdiction in the sense that an aggrieved citizen can directly go to the Supreme Court, not necessarily by way of appeal.

14. Correct option: (d)

Explanation:

- All statements are correct

Supplementary notes:

Judicial Review

- Judicial review has two vital purposes: legitimising government action and protecting the Constitution against government overreach. It also includes the Supreme Court's ability to examine its own judgement order.
- In India, judicial review is based on the "procedure established by law" as against the "due process of law", which is the basis for the American version of judicial review.
- Judicial accountability
- The independence and impartiality of the judiciary is one of the hallmarks of the democratic system of the government. Only an impartial and independent judiciary can protect the rights of the individual and

can provide equal justice without fear and favour.

- The constitution of India provides many privileges to maintain the independence of judiciary. If the Preamble to our Constitution be regarded as the reflection of the aspirations and spirit of the people, then one thing that even a layman will note is that among the various goals that the Constitution-makers intended to secure for the citizens, "JUSTICE- Social, Economic & Political" has been mentioned before the rest." No person, however high, is above the law. No institution is exempt from accountability, including the judiciary.
- Accountability of the judiciary in respect of its judicial functions and orders is vouchsafed by provisions for appeal, reversion and review of orders. What is the mechanism for accountability for serious judicial misconduct, for disciplining errant judges?

Our Constitution provides for removal of a judge of the Supreme Court or the High Court for proved misbehaviour or proved incapacity, by what is popularly called the process of impeachment, where under two thirds of the members of each House of Parliament can vote for the removal of the judge.

- So far, only one impeachment proceeding has been initiated against a Supreme Court judge. It failed because Congress abstained from voting and consequently two-thirds majority was not available.
- It is now generally accepted that the present impeachment process is cumbersome, time consuming and tends to get politicized. It needs to be reformed urgently.

Differences between Procedure Established by Law and Due Process of Law

Procedure Established by Law	Due Process of Law
It means that a law that is duly enacted by the legislature or the body in question is valid if the procedure to establish it has been correctly followed	Due process of law checks whether any law in question is fair and not arbitrary
The Judiciary would assess whether the Legislature is competent to frame the law and whether it had followed the procedure laid down to legislate and would not assess the intent of the said law	If the Supreme Court of India that any law as not fair, it will declare it as null and void. This doctrine provides for more fair treatment of individual rights
Compared to 'due process of law' it is narrow in scope as it does not question whether the law concerned is contrary to principles of justice and equity	The due process of law gives wide scope to the Supreme Court to grant protection to the rights of its citizens.
The Supreme Court, while determining the constitutionality of the law examines only the substantive question i.e., whether the law is within the powers of the authority concerned or not.	The Supreme Court can declare laws violative of fundamental rights and render them void not only on substantive grounds of being unlawful but also on procedural grounds of being unreasonable.
A rigid and inflexible following of the procedure established by law may raise the risk of compromise to life and personal liberty of individuals due to unjust laws made by the law-making authorities. Thus, Procedure established by law protect the individual against the arbitrary action of only the executive.	Under due process, it is the legal requirement that the state must respect all of the legal rights that are owed to a person and laws that states enact must conform to the laws of the land

15. Correct Option: (c)

Explanation:

- **Both statements are correct**

Supplementary notes:

Writ of Prohibition and the Writ of Certiorari

- The difference between the Writ of Prohibition and the Writ of Certiorari is that in the case of former a lower court is asked to stop dealing with the case, where as in the case of later writ, the superior court requires the lower court to supply it with some information, records or the whole proceedings for further hearing.

- The following are the scope for issuing the Writ of Certiorari:
 - The writ of certiorari will be issued when any judicial body has acted beyond their jurisdiction which is vested upon them, acts without any authority, or is unable to act properly.
 - It is also issued when judicial authority acts in violation of the natural justice clauses, the decision is given by violating the right to be heard, and while practising judiciary they acted unethically.
 - It has supervisory jurisdiction which means that errors related to the law can only be corrected but errors related to

subordinated court findings cannot be corrected when the writ of certiorari is issued.

- The followings are the scope of the Writ of Prohibition:
 - When the subordinate court acts more, that is out of their sovereign or does not act as they should have.
 - When they disobey the clauses of natural justice.
 - This writ will be issued when the court acts unlawfully and or beyond its authority.
 - When they violate fundamental rights.

16. Correct Option: (a)

Explanation:

- **Statement 1 is incorrect:** The High Courts' jurisdiction, powers, and other administrative affairs are not comprehensively defined in the Constitution.

Supplementary notes:

Territorial Jurisdiction of High Courts

- A High Court's jurisdiction is contiguous with the state's territorial boundaries.
- However, if the Parliament establishes a High Court for two or more States, or extends its jurisdiction to Union Areas, the High Court's authority extends to those territories.
- The High Courts' jurisdiction, powers, and other administrative affairs are not comprehensively defined in the Constitution.

17. Correct Option: (b)

Explanation:

- **Statement 1 is incorrect:** High Court has also the power of superintendence over all Courts and Tribunals except those dealing with the armed forces functioning in the State.
- **Statement 2 is incorrect:** It is both judicial as well as administrative in nature.

Supplementary notes:

HC's Power of Superintendence

- A High Court has also the power of superintendence over all Courts and Tribunals except those dealing with the armed forces functioning in the State.
- This power has made the High Court responsible for the entire administration of Justice in the State.

- It is both judicial as well as administrative in nature.
- The Constitution does not place any restriction on its power of superintendence over the subordinate Courts. It may be noted the Supreme Court has no similar power vis-a-vis the High Court.
- The governor consults the High Court in the appointment and transfer of district judges and other officers of the judicial service in the state.

18. Correct Option: (b)

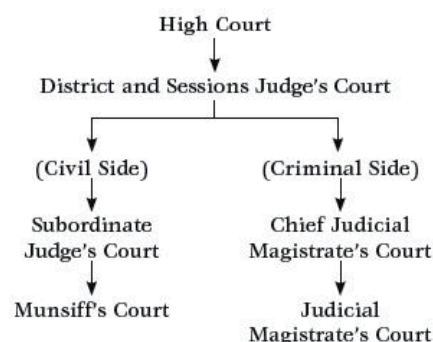
Explanation:

- **Statement 1 is incorrect:** The organizational structure of subordinate judiciary is laid down by states hence, they vary throughout India.

Supplementary notes:

Lower judiciary

- The District Courts of India are the district courts of the State governments in India for every district or for one or more districts together taking into account the number of cases, population distribution in the district.
- They administer justice in India at a district level. These courts are under administrative control of the High Court of the State to which the district concerned belongs. The decisions of District court are subject to the appellate jurisdiction of the High court.
- The provisions related to subordinate courts are provided in the Part-VI of the Indian Constitution. Articles 233-237 deal with the subordinate courts.
- Munsif court on civil side and magistrate court on criminal side is lowest level of subordinate judiciary in India.



19. Correct Option: (d)

Explanation:

- **All statements are correct**

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Supplementary notes:**National Tribunal Commission**

- The tribunals were established to relieve the Courts of their burden by allowing practitioners and experts in the tribunal's jurisdiction to deliver quick decisions.
- The Apex court instructed the Centre to establish the National tribunals Commission (NTC), which will serve as an autonomous body to oversee recruitment and the operational and infrastructure purposes of tribunals throughout the country.
- The Supreme Court emphasized the importance of ensuring that tribunals carry out their judicial duties without intervention from the executive branch, either knowingly or unknowingly.
- Until the National tribunal Commission is formed, a separate division of the Ministry of Finance will be formed to fulfil the interest of tribunals.
- A bench led by Justice L Nageswara Rao said that establishing such a commission would improve the reputation of tribunals and instil trust in the minds of litigants, but that relying on the parent department for all of their needs would not "extricate them from the executive's control."

20. Correct Option: (a)**Explanation:**

- **Statement 2 is incorrect:** The session judge derives its power from CrPC, 1973.

Supplementary notes:**Lower Courts**

- The District Judge of any District is the highest judicial officer of the district and scores of ADJs, Civil Judges and Judicial Magistrates work under him and are subordinate to him. He possess original jurisdiction in both civil and criminal matters
- He has varied administrative powers assigned to him including power to transfer any case from one court to another, on an application of any litigant or otherwise.
- However, his powers cannot in any way be equated or characterized as the power of superintendence vested in the jurisdictional High Court.

Sessions Court

- District court is referred to as sessions court when it exercises its jurisdiction on criminal matters under Code of Criminal procedure (CrPc).

- As per section 9 of CrPc, the court is established by the State Government for every sessions division. The court is presided over by a Judge, appointed by the High Court of that particular state. The High Court may also appoint Additional Sessions Judges and Assistant Sessions Judges in this court.
- The session judge can also give death sentence. As per section 366 (i) CrPC, the Sessions Court judge can do so.

21. Correct Option: (d)**Explanation:**

- **All statements are correct**

Supplementary notes:**Integrated judicial system**

- The Judicial System in India is an integrated judicial system.
- It is apparent that the decisions made by any higher courts are binding on all the lower courts.
- Another way to prove the concept of this judicial integration is through the appellate system which means that a person can appeal to a higher court if he/she believes that the judgment passed by the lower court is not just.
- In the **Tirupati Balaji Developers (P) Ltd v. State of Bihar**, Supreme Court clarified that the High Court is not a court "subordinate" to the Supreme Court. Power of superintendence is only granted to High Courts (over subordinate courts) and not to the Supreme Court.

22. Correct Option: (b)**Explanation:**

- **Statement 2 is incorrect:** President does not have any powers in the Enlargement of the jurisdiction of the Supreme Court.

Supplementary notes:**Enlargement of the jurisdiction of the Supreme Court: Article 138**

- Parliament may enlarge the jurisdiction and power of Supreme Court.
- The Supreme Court shall have such further jurisdiction and powers with respect to any of the matters in the Union List as **Parliament may by law confer.**
- Its jurisdiction and power with respect to other matters can be enlarged by special agreement between union and states.

23. Correct Option: (c)**Explanation:**

- **Statement 2 is incorrect:** Chief Justice of India is placed at an equal position with Speaker of Lok Sabha in the table of precedence.

Supplementary notes:**Chief Justice of India**

- The Chief Justice of India is appointed by the president of India as per the powers conferred by clause (2) of Article 124 of the Constitution of India.
- However, as per the decision of Second Judges Case (1993), only the senior-most judge of the Supreme Court is appointed to the office of the chief justice of India.
- **The Constitution of India declared Delhi as the seat of the Supreme Court. However, it also authorized the chief justice of India to appoint other place or places as the seat of the Supreme Court with the approval of the President.**
- The Chief Justice of India is empowered to appoint officers and servants of the Supreme Court without any interference from the executive. He is also empowered to prescribe their conditions of service.
- The transfer of judges of Indian High courts by the President of India can be done only after consulting the Chief Justice of India.
- As per the Third Judges case (1998), in case of the transfer of high court judges, the Chief Justice of India should consult, in addition to the collegium of four seniormost judges of the Supreme Court, the chief justice of the two high courts including one from which the judge is being transferred and the other receiving him.
- In the Table of Precedence related to the rank and order of the officials of the Union and State Governments, Chief Justice of India is placed equally with the Speaker of Lok Sabha at 6th place, below President, Vice-President, Prime Minister, Governors of states within their respective states, Former presidents and Deputy Prime Minister.

24. Correct Option: (c)**Explanation:**

- **Statement 3 is incorrect:** The committee should consist of (a) the chief justice or a judge of the Supreme Court, (b) a chief justice of a high court, and (c) a distinguished jurist.

Supplementary notes:**Removal of judges**

- **A judge can be removed only by an order of the President, based on a motion passed by both Houses of Parliament.**
- A judge can be removed from office through a motion adopted by Parliament on grounds of proved misbehaviour or incapacity.
- The Judges Enquiry Act (1968) regulates the procedure relating to the removal of a judge of the Supreme Court by the process of impeachment:
- A removal motion signed by 100 members (in the case of Lok Sabha) or 50 members (in the case of Rajya Sabha) is to be given to the Speaker/ Chairman.
- **The Speaker/Chairman may admit the motion or refuse to admit it.**
- If it is admitted, then the Speaker/ Chairman are to constitute a three-member committee to investigate into the charges.
- The committee should consist of (a) the chief justice or a judge of the Supreme Court, (b) a chief justice of a high court, and (c) a distinguished jurist.
- If the committee finds the judge to be guilty of misbehaviour or suffering from incapacity, the House can take up the consideration of the motion.
- **After the motion is passed by each House of Parliament by special majority, an address is presented to the president for removal of the judge.**
- **Finally, the President passes an order removing the judge.**

25. Correct Option: (b)**Explanation:**

- **Statement 1 is incorrect:** There are no written rules on the recusal of judges. It is left to the discretion of a judge. If a judge does not recuse himself, he is not liable legally. It cannot be a basis of his removal.

Supplementary notes:**Recusal of Judges**

- Recusal is the removal of oneself as a judge or policymaker in a particular matter, especially because of a conflict of interest.
- Recusal usually takes place when a judge has a conflict of interest or **has a prior association with the parties in the case.**

- **Grounds for Recusal**
 - The judge is biased in favour of one party, or against another, or that a reasonable objective observer would think he might be.
 - Interest in the subject matter, or relationship with someone who is interested in it.
 - Background or experience, such as the judge's prior work as a lawyer.
 - Personal knowledge about the parties or the facts of the case.
 - Ex parte communications with lawyers or non-lawyers.
 - Rulings, comments or conduct.
- **In India there is no statute laying down the minimum procedure which Judges must follow in order to ensure the impartiality. It is left to the discretion of a judge. If a judge does not recuse himself, he is not liable legally. It cannot be a basis of his removal.**
- A litigant cannot seek recusal of the Judge during a hearing, a Supreme Court Bench led by the former Chief Justice of India, Ranjan Gogoi had clarified.
- However, courts have always insisted that Judges and other adjudicatory authorities must ensure that they have to ensure principles of impartiality.

26. Correct Option: (d)

Explanation

- **All statements are correct**

Supplementary notes:

Original Jurisdiction of High Court

- Original Jurisdiction means the power of a high court to hear disputes in the first instance, not by way of appeal. It extends to the following:
 - Matters of admiralty, will, marriage, divorce, company laws and contempt of court.
 - **Disputes relating to the election of members of Parliament and state legislatures.**
 - Regarding revenue matter or an act ordered or done in revenue collection.
 - **Enforcement of fundamental rights of citizens.**
 - Cases ordered to be transferred from a subordinate court involving the

interpretation of the Constitution to its own file.

27. Correct Option: (d)

Explanation:

- **All statements are correct**

Supplementary notes:

Appeal by Special Leave

- Under Article 136, the Constitution of India gives power to the Supreme Court to grant special permission or leave to an aggrieved party to appeal against an order passed in any of the lower courts or tribunals in India.
- Special leave petition (SLP) means that an individual takes special permission to be heard in appeal against any high court/tribunal verdict. Thus it is not an appeal but a petition filed for an appeal. So after an SLP is filed, the Supreme Court may hear the matter and if it deems fit, it may grant the 'leave' and convert that petition into an 'appeal'. **SLP shall then become an Appeal and the Court will hear the matter and pass a judgment.**
- **It can be filed against any judgment or decree or order of any high court / tribunal in the territory of India, or, it can be filed in case a high court refuses to grant the certificate of fitness for appeal to Supreme Court of India.**
- It can be filed against any judgment of a High Court within 90 days from the date of judgment, or It can be filed within 60 days against the order of a High Court refusing to grant the certificate of fitness for appeal to the Supreme Court, whereas, the other Appellate Jurisdiction is if the high court certifies that the case needs to be decided by the Supreme Court.
- It can be granted in any judgment whether final or interlocutory whereas, the normal Appellate Jurisdiction is enjoyed only after the final judgment by the High Court.
- **It is a discretionary power of the Court and hence, cannot be claimed as a matter of right,** unlike the normal Appellate Jurisdiction.

28. Correct Option: (b)

Explanation

- **Statement 1 is incorrect:** It must confirm a death sentence awarded by a subordinate court whether there is an appeal by the convicted person or not.

Supplementary notes:**High Court**

- A death sentence (capital punishment) awarded by a sessions court or an additional sessions court must be confirmed by the High Court before it can be executed, whether there is an appeal by the convicted person or not.
- As a court of record, a High Court also has the power to review and correct its own judgment or order or decision.

29. Correct Option: (c)**Explanation:**

- Option (c) is correct

Supplementary notes:**Appointment of District Judges**

- The appointment, posting and promotion of district judges in a state are made by the governor of the state in consultation with the Chief Justice of the high court.
- A person to be appointed as district judge should have the following qualifications:
 - He should not already be in the service of the Central or the state government.
 - He should have been an advocate or a pleader for seven years at bar.
 - He should be recommended by the Chief Justice of high court for appointment.
- District judges are also appointed by way of elevation of judges from courts subordinate to district courts provided they fulfil the minimum years of service.
- The district judge is the highest judicial authority in the district. He possesses original and appellate jurisdiction in both civil as well as criminal matters.

30. Correct Option: (a)**Explanation:**

- Statement 2 is incorrect: The District Judge has power to impose any sentences including life imprisonment and capital punishment.

Supplementary notes:**District Judge**

- The District judge is the highest Authority in the District. **He possesses original and appellate jurisdiction in both civil as well as criminal matters.**

- The district Judge has supervisory power over all the subordinate courts in the district. Appeals against his order and judgments lie to the High Court.
- **The Judge has power to impose any sentences including life imprisonment and capital punishment.** However, a capital Punishment passed by him is subject to confirmation by the high court, whether there is an appeal or not.

31. Correct Option: (d)**Explanation:**

- All statements are correct

Supplementary notes:**Judicial Review**

- Article 31B saves the acts and regulations included in the Ninth Schedule from being challenged and invalidated on the ground of contravention of any of the Fundamental Rights. **But, in the I.R. Coelho case (2007), the Supreme Court ruled that there could not be any blanket immunity from judicial review of laws included in the Ninth Schedule.** Thus, Judiciary can review any Law made by the Legislature. All the laws, order, bye-laws, ordinance and constitutional amendments and all other notifications are subject to judicial review which are included in Article 13(3) of the constitution of India.
- **Article 137 gives a special power to the SC to review any judgment pronounced or order made by it.** Thus, it is not bound by its previous decision and can depart from it in the interest of justice or community welfare.
- In the **Minerva Mills V. Union of India 1980 case, Judicial Review was added to the list of Basic Structure of the Constitution** along with the balance between Fundamental Rights and Directive Principles.

32. Correct Option: (a)**Explanation:**

- Statement 2 is incorrect: Courts can also take suo moto cognizance of the matter.

Supplementary notes:**Public Interest Litigation (PIL)**

- Although the proceedings in the Supreme Court arise out of the judgments or orders made by the Subordinate Courts including the High Courts, but of late the Supreme

Court has started entertaining matters in which interest of the public at large is involved and **the Court can be moved by any individual or group of persons either by filing a Writ Petition at the Filing Counter of the Court or by addressing a letter to the Hon'ble, Chief Justice of India highlighting the question of public importance for invoking this jurisdiction.**

- Such concept is popularly known as 'Public Interest Litigation' and several matters of public importance have become landmark cases.
- This concept is unique to the Supreme Court of India only and perhaps no other Court in the world has been exercising this extraordinary jurisdiction.
- A Writ Petition filed at the Filing Counter is dealt with like any other Writ Petition and processed as such.
- In case of a letter addressed to Hon'ble the Chief Justice of India the same is dealt with in accordance with the guidelines framed for the purpose.
- The introduction of PIL in India was facilitated by the **relaxation of the traditional rule of 'locus standi'**. According to this rule, only that person whose rights are infringed alone can move the court for the remedies, whereas, the PIL is an exception to this traditional rule. In PIL, any member of the public having 'sufficient interest' can approach the court for enforcing the rights of other persons and redressal of a common grievance.
- The judiciary, including Supreme Court, entertained litigation from those parties that were affected directly or indirectly by it. It means that even people, who are not directly involved in the case, may bring to the notice of the Court matters of public interest. **Courts can also take suo moto cognizance** of the matter.

33. Correct Option: (a)

Explanation:

- **Statement 3 is incorrect:** In civil matters also the Court can appoint an Advocate as amicus curiae.

Supplementary notes:

Amicus Curiae

- If a petition is received from the jail or in any other criminal matter if the accused is unrepresented then an Advocate is appointed as amicus curiae by the Court to defend and argue the case of the accused.

- In civil matters also the Court can appoint an Advocate as amicus curiae if it thinks it necessary in case of an unrepresented party
- The Court can also appoint amicus curiae in any matter of general public importance or in which the interest of the public at large is involved.

34. Correct Option: (a)

Explanation:

- **Statement 2 is incorrect:** A Tribunal shall have, and exercise, the same jurisdiction, powers and authority in respect of contempt of itself as a High Court has and may exercise and, for this purpose, the provisions of the Contempt of Courts Act, 1971.
- **Statement 3 is incorrect:** Presently there is no NTC in India.

Supplementary notes:

Tribunals

- Tribunal is an administrative body responsible for discharging quasi-judicial duties and thus, it is neither a Court nor an executive body.
- Delays and backlogs in the administration of justice were the primary reason for the establishment of tribunals.
- They can adjudicate over a wide range of subjects and is an effective mechanism to ameliorate the burden of the judiciary, particularly in cases of technical nature which require persons having expert knowledge of the working of these laws.
- The Tribunals emerged not with the sole promise of speedy, effective, decentralized dispensation of justice but also the expertise and knowledge in specialized areas that was felt to be lacking in the judges of traditional Courts.
- **A Tribunal shall not be bound by the procedure laid down in the Code of Civil Procedure, but shall be guided by the principles of natural justice** and subject to the other provisions of this Act and of any rules made by the Central Government, the Tribunal shall have power to regulate its own procedure including the fixing of places and times of its inquiry and decided whether to sit in public or in private.
- The first Tribunal in India was established in the form of Income-Tax Appellate Tribunal in 1941. The Constitution (Forty-Second Amendment) Act of 1976

inserted Articles 323-A and 323-B in the Constitution of India, providing for the establishment of Administrative Tribunals by the Parliament as well as the State Legislatures, to adjudicate the matters specified in the sub-clauses.

- Issues with Tribunals in India:
 - Lack of Independence because of the system of appointment through selection committees and the issues of reappointment and the convention to appoint retired judges.
 - Non-uniformity across tribunals with respect to service conditions, tenure of members, varying nodal ministries in charge of different tribunals leading to mal-administration in tribunals.
 - Executive interference like in provision of finances, infrastructure, personnel and other resources
- The idea of an NTC was first mooted by the Supreme Court in *L. Chandra Kumar v. Union of India* (1997). **Presently there is no NTC in India.**

35. Correct Option: (b)

Explanation

- **Statement 4 is incorrect:** After the Supreme Court's decision in *L. Chandra Kumar's* case 1997, the orders of CAT are now being challenged by way of Writ Petition before respective High Court in whose territorial jurisdiction the Bench of the Tribunal is situated.

Supplementary notes:

Central Administrative Tribunals

- In accordance with the recommendations of the Swaran Singh Committee, Part XIV-A titled as 'Tribunals' was added in the Constitution (Forty-second Amendment) Act, 1976, which entailed the formation of 'Administrative Tribunals' under Article 323-A and 'Tribunals for other matters' under Article 323-B.
- The Central Administrative Tribunal had been established under Article 323 - A of the Constitution for adjudication of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or other authorities under the control of the Government.
- There are 17 Benches and 21 Circuit Benches in the Central Administrative Tribunal all over India. In addition to the Ministries

and Departments of Central Government, the Government of India has notified about 214 organizations under section 14 (2) of the Administrative Tribunals Act, 1985 to bring them within the jurisdiction of the Central Administrative Tribunal, from time to time. In addition the Central Administrative Tribunal, Principal Bench is dealing with the matters of Government of National Capital Territory of Delhi.

- The Central Administrative Tribunal is headed by Hon'ble Chairman Sh. Justice L. Narasimha Reddy, former Chief Justice of High Court of Patna. The Tribunal is guided by the principles of natural justice in deciding cases and is not bound by the procedure, prescribed by the Civil Procedure Code.
- **The Central Administrative Tribunal is empowered to frame its own rules of procedure and practice.** Under the said provision of the Act, the Central Administrative Tribunal (Procedure) Rules, 1987 and Central Administrative Tribunal Rules of Practice, 1993 have been notified to ensure smooth functioning of the Tribunal.
- **Initially the decision of the Tribunal could be challenged before Hon'ble Supreme Court by filing Special Leave Petition. However, after the Supreme Court's decision in *L. Chandra Kumar's* case 1997, the orders of Central Administrative Tribunal are now being challenged by way of Writ Petition under Article 226/227 of the Constitution before respective High Court in whose territorial jurisdiction the Bench of the Tribunal is situated.**
- By the Seven-Judge Bench of the Supreme Court in the *L. Chandra Kumar's* case, it was held that **it is the part of the basic structure of the Constitution that the High Courts have power to exercise judicial supervision and charge over the decisions of all Courts and Tribunals.** The Court was also of the opinion that for efficient working of the Tribunals it is necessary that an independent single nodal ministry can also be set up which shall oversee the conduct of the Tribunals

36. Correct Option: (a)

Explanation:

- **Statement 2 is incorrect:** It deals in matters related to both civil and criminal cases.
- **Statement 3 is incorrect:** When no compromise is reached, the matter goes back to the court.

Supplementary notes:**Lok Adalats**

- Lok Adalat is a forum where the disputes/cases pending in the court of law or at pre-litigation stage are settled/compromised amicably. Lok Adalat has been given statutory status under the Legal Services Authorities Act, 1987.
- **An award made by the Lok Adalat is deemed to be decree of a civil court and is final and binding on all parties and no appeal lies before any court against it.**
- It deals in matters related to **both civil and criminal cases.**
- There is no court fee. If the case is already filed in the regular court, the fee paid will be refunded if the dispute is settled at the Lok Adalat.
- Lok Adalats (people's courts) settle dispute through conciliation and compromise.
- **The main thrust of Lok Adalats is on compromise. When no compromise is reached, the matter goes back to the court.** While conducting the proceedings; Lok Adalat acts as a conciliator and not as an arbitrator.

37. Correct Option: (b)**Explanation:**

- **Statement 3 is incorrect:** The salary, allowances and other conditions of services of the Chairperson are the same as that of Chief Justice of India.

Supplementary notes:**The Lokpal**

- The Lokpal is the first institution of its kind in independent India, established under the Lokpal and Lokayuktas Act 2013 to inquire and investigate into allegations of corruption against public functionaries who fall within the scope and ambit of the above Act.
- **The Lokpal has jurisdiction to inquire into allegations of corruption against anyone who is or has been Prime Minister, or a Minister in the Union government, or a Member of Parliament, as well as officials of the Union Government under Groups A, B, C and D.**
- Also covered are chairpersons, members, officers and directors of any board, corporation, society, trust or autonomous body either established by an Act of Parliament or wholly or partly funded by the Union or State government.

- It also covers any society or trust or body that receives foreign contribution above Rs 10 lakh.
- A complaint under the Lokpal Act should be in the prescribed form and must pertain to an offence under the Prevention of Corruption Act, 1988 against a public servant. There is no restriction on who can make such a complaint.
- The Lokpal, with respect to Central government servants, shall refer the complaints to the Central Vigilance Commission (CVC).
- The CVC will send a report to the Lokpal regarding officials falling under Groups A and B; and proceed as per the CVC Act against those in Groups C and D.
- The Inquiry Wing or any other agency will have to complete its preliminary inquiry and submit a report to the Lokpal within 60 days.
- It has to seek comments from both the public servant and "the competent authority", before submitting its report. There will be a "competent authority" for each category of public servant as defined under the Act.
- **The lokpal is vested with the power of search and seizure and also powers under the Civil Procedure Code for the purpose of conducting preliminary inquiry & investigation and power of attachment of assets and taking other steps for eradication of corruption.**
- Lokpal will have power of superintendence and direction over any central investigation agency including CBI for cases referred to them by the Lokpal.
- The Lokpal consists of a Chairperson and eight Members out of whom 50% are Judicial Members.
- The Chairperson and the Members are appointed by the President of India by warrant under his hand and seal and hold office for a term of five years from the date on which they enter upon the office or until they attain the age of 70 years, whichever is earlier.
- **The salary, allowances and other conditions of services of the Chairperson are the same as that of Chief Justice of India.**
- The salary, allowances and other conditions of services of the Members are the same as that of a Judge of the Supreme Court.
- Lokpal will have two main branches and will discharge its functions through these two.

- **The Administrative branch is headed by an officer of the rank of Secretary to Government of India** and will have in its fold:
 - Inquiry/ Investigation branch to be headed by an officer not below the rank of Additional Secretary to Government of India
 - Prosecution wing to be headed by an officer not below the rank Additional Secretary to Government of India
 - Central Registry
 - Scrutiny wing
 - Establishment, Coordination, Media and Publication
 - Budget, Finances and Accounts
- The Judicial Branch will be headed by a Judicial officer of appropriate level and will assist the Lokpal discharge their judicial functions.

38. Correct Option: (b)

Explanation:

- **Statement 1 is incorrect:** The provisions related to Special Officer for Linguistic Minorities were added into the Constitution by 7th Amendment Act.

Supplementary notes:

Special Officer for Linguistic Minorities

- Originally, the Constitution of India did not make any provision with respect to the Special Officer for Linguistic Minorities. Later, the States Reorganization Commission (1953-55) made a recommendation in this regard.
- Accordingly, the 7th Constitutional Amendment Act of 1956 inserted a new Article 350-B in Part XVII of the Constitution.
- Article 350-B (1) states "there shall be a Special Officer for linguistic minorities to be appointed by the President".
- Article 350-B (2) states "it shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under this Constitution and report to the President upon those matters at such intervals as the president may direct, and the President may direct, and the President shall cause all such reports to be laid before each House of Parliament, and sent to the Governments of the States concerned".
- The Constitution does not specify the qualifications, tenure, salaries and

allowances, service conditions and procedure for removal of the Special Officer for Linguistic Minorities.

- In pursuance of the provision of Article 350-B of the Constitution, the office of the Special Officer for Linguistic Minorities was created in 1957. He is designated as the Commissioner for Linguistic Minorities.

39. Correct Option: (a)

Explanation:

- **Statement 2 is incorrect:** It has no power to punish the violators of human rights
- **Statement 3 is incorrect:** It has no power to award any relief including monetary relief to the victim.
- **Statement 4 is incorrect:** It has limited role, powers and jurisdiction with respect to the violation of human rights by the members of the armed forces.

Supplementary notes:

National Human Rights Commission (NHRC)

- It is a statutory body under Protection of Human Rights Act (PHRA), 1993 and is in conformity with the Paris Principles for the promotion and protection of human rights, endorsed by the General Assembly of the United Nations.
- It is a watchdog of human rights in the country, i.e. the rights related to life, liberty, equality and dignity of the individual guaranteed by Indian Constitution or embodied in the international covenants and enforceable by courts in India.
- It is a multi-member body consisting of a chairman and four members. A person who has been the Chief Justice of India or a judge of the Supreme Court is a chairman.
- The chairman and members hold office for a term of three years or until they attain the age of 70 years, whichever is earlier.
- It has all the powers of a civil court and its proceedings have a judicial character.
- It is empowered to utilise the services of any officer or investigation agency of the Central government or any state government for the purpose of investigating complaints of human rights violation.
- It can look into a matter within one year of its occurrence, i.e the Commission is not empowered to inquire into any matter after the expiry of one year from the date on which the act constituting violation of human rights is alleged to have been committed.

- The functions of the commission are mainly recommendatory in nature.
- It has no power to punish the violators of human rights, nor to award any relief including monetary relief to the victim.
- It has limited role, powers and jurisdiction with respect to the violation of human rights by the members of the armed forces.
- It is not empowered to act when human rights violations through private parties take place.

40. Correct option: (a)

Explanation:

- **Statement 3 is incorrect:** The chairman or a member of UPSC is (after having completed his first term) not eligible for reappointment to that office (i.e., not eligible for second term). A member of UPSC (on ceasing to hold office) is eligible for appointment as the chairman of UPSC or a State Public Service Commission (SPSC), but not for any other employment in the Government of India or a state.

Supplementary notes:

UPSC

- The President can remove the chairman or any other member of UPSC from the office under the following circumstances:
 - If he is adjudged an insolvent (that is, has gone bankrupt);
 - If he engages, during his term of office, in any paid employment outside the duties of his office; or
 - If he is, in the opinion of the president, unfit to continue in office by reason of infirmity of mind or body.
- The president can also remove the chairman or any other member of UPSC for misbehaviour. However, in this case, the president has to refer the matter to the Supreme Court for an enquiry.
- If the Supreme Court, after the enquiry, upholds the cause of removal and advises so, the president can remove the chairman or a member.
- Under the provisions of the Constitution, the advice tendered by the Supreme Court in this regard is binding on the president.
- The conditions of service of the chairman or a member, though determined by the president, cannot be varied to his disadvantage after his appointment.

- The entire expenses including the salaries, allowances and pensions of the chairman and members of the UPSC are charged on the Consolidated Fund of India. Thus, they are not subject to vote of Parliament.
- The chairman of UPSC (on ceasing to hold office) is not eligible for further employment in the Government of India or a state.

41. Correct Option: (a)

Explanation:

- **Option (a) is incorrect:** The chairman and members of a JSPSC are appointed by the president.

Supplementary notes:

JPSC:

- A JSPSC can be created by an act of Parliament on the request of the state legislatures concerned. Thus, a JSPSC is a statutory and not a constitutional body.
- The chairman and members of a JSPSC are appointed by the president. They hold office for a term of six years or until they attain the age of 62 years, whichever is earlier. They can be suspended or removed by the president. They can also resign from their offices at any time by submitting their resignation letters to the president.
- A JSPSC presents its annual performance report to each of the concerned state governors. Each governor places the report before the state legislature.
- The Government of India Act of 1935 provided for the establishment of not only a Federal Public Service Commission but also a Provincial Public Service Commission and Joint Public Service Commission for two or more provinces.

42. Correct option: (c)

Explanation:

- **Both statements are correct**

Supplementary notes:

National Commission for SCs

- The Commission, while investigating any matter or inquiring into any complaint, has all the powers of a civil court trying a suit and in particular in respect of the following matters:

- summoning and enforcing the attendance of any person from any part of India and examining him on oath;
 - requiring the discovery and production of any document;
 - receiving evidence on affidavits;
 - requisitioning any public record from any court or office;
 - issuing summons for the examination of witnesses and documents; and
 - any other matter which the President may determine.
- **The commission presents an annual report to the president. It can also submit a report as and when it thinks necessary.**
 - The President places all such reports before the Parliament, along with a memorandum explaining the action taken on the recommendations made by the Commission.
 - The memorandum should also contain the reasons for the non-acceptance of any of such recommendation.

43. Correct option: (c)

Explanation:

- **Both statements are correct**

Supplementary notes:

National Commission for STs

- The separate National Commission for STs came into existence in 2004. It consists of a chairperson, a vice-chairperson and three other members. They are appointed by the President by warrant under his hand and seal. Their conditions of service and tenure of office are also determined by the President.
- The Commission, while investigating any matter or inquiring into any complaint, has all the powers of a civil court trying a suit and in particular in respect of the following matters:
 - summoning and enforcing the attendance of any person from any part of India and examining him on oath;
 - requiring the discovery and production of any document;
 - receiving evidence on affidavits;
 - requisitioning any public record from any court or office;
 - issuing summons for the examination of witnesses and documents; and

- any other matter which the President may determine
- **The Central government and the state governments are required to consult the Commission on all major policy matters affecting the STs.**

44. Correct option: (c)

Explanation:

- **Statement 2 is incorrect:** He has the right to speak and to take part in the proceedings of both the Houses of the state legislature or any committee of the state legislature of which he may be named a member, but without a right to vote.

Supplementary notes:

The Advocate General of the State (Article 165)

- The Constitution (Article 165) has provided for the office of the advocate general for the states.1 He is the highest law officer in the state. Thus he corresponds to the Attorney General of India.
- **The advocate general is appointed by the governor. He must be a person who is qualified to be appointed a judge of a high court.**
- **The remuneration of the advocate general is not fixed by the Constitution.** He receives such remuneration as the governor may determine.
- In the performance of his official duties, the advocate general is entitled to appear before any court of law within the state.
- Further, he has the right to speak and to take part in the proceedings of both the Houses of the state legislature or any committee of the state legislature of which he may be named a member, **but without a right to vote.** He enjoys all the privileges and immunities that are available to a member of the state legislature.

45. Correct Option: (c)

Explanation:

- **Statement 2 is incorrect:** In 1976, he was relieved of his responsibilities with regard to the compilation and maintenance of accounts of the Central Government.

Supplementary notes:

The CAG

- **The CAG is appointed by the president of India by a warrant under his hand and seal. The CAG, before taking over**

his office, makes and subscribes before the president an oath or affirmation same as of the Supreme Court Judges.

- He holds office for a period of six years or upto the age of 65 years, whichever is earlier. He can resign any time from his office by addressing the resignation letter to the president. He can also be removed by the president on same grounds and in the same manner as a judge of the Supreme Court.
- He audits the accounts related to all expenditure from the Consolidated Fund of India, consolidated fund of each state and consolidated fund of each union territory having a Legislative Assembly.
- He audits all expenditure from the Contingency Fund of India and the Public Account of India as well as the contingency fund of each state and the public account of each state.
- He audits all trading, manufacturing, profit and loss accounts, balance sheets and other subsidiary accounts kept by any department of the Central Government and state governments.
- He audits the receipts and expenditure of the Centre and each state to satisfy himself that the rules and procedures in that behalf are designed to secure an effective check on the assessment, collection and proper allocation of revenue.
- He audits the receipts and expenditure of the following:
 - All bodies and authorities substantially financed from the Central or state revenues.
 - Government companies.
 - Other corporations and bodies, when so required by related laws.
- He audits all transactions of the Central and state governments related to debt, sinking funds, deposits, advances, suspense accounts and remittance business. He also audits receipts, stock accounts and others, with approval of the President, or when required by the President.
- He audits the accounts of any other authority when requested by the President or Governor. For example, the audit of local bodies.
- He advises the President with regard to prescription of the form in which the accounts of the Centre and the states shall be kept (Article 150).
- He submits his audit reports relating to the accounts of the Centre to President, who

shall, in turn, place them before both the Houses of Parliament (Article 151).

- He submits his audit reports relating to the accounts of a state to governor, who shall, in turn, place them before the state legislature (Article 151).
- He ascertains and certifies the net proceeds of any tax or duty (Article 279). His certificate is final. The 'net proceeds' means the proceeds of a tax or a duty minus the cost of collection.
- He acts as a guide, friend and philosopher of the Public Accounts Committee of the Parliament.
- He compiles and maintains the accounts of state governments. In 1976, he was relieved of his responsibilities with regard to the compilation and maintenance of accounts of the Central Government due to the separation of accounts from audit, that is, departmentalization of accounts.
- He audits the accounts of Panchayati Raj Institutions and Urban Local Bodies but with the permission of the State government.
- The accounts of the District Council or, as the case may be, the Regional Council shall be kept in such form as the Comptroller and Auditor General of India may, with the approval of the President, prescribe
- The Comptroller and Auditor-General shall cause the accounts of the District and Regional Councils to be audited in such manner as he may think fit, and the reports of the Comptroller and Auditor-General relating to such accounts shall be submitted to the Governor who shall cause them to be laid before the Council.

46. Correct option: (b)

Explanation:

- **Statement 1 is incorrect:** The Election Commission of India does not have power to deregister political parties.

Supplementary notes:

Election Commission of India

- The Election Commission of India has power to register political parties and grant, the National and State party status to them based on poll performance; however it does not have power to deregister political parties.
- Election Commission determines the territorial areas of the electoral

constituencies throughout the country on the basis of the Delimitation Commission Act of the Parliament.

- Election Commission prepare a roster for the publicity of the policies of the political parties on radio and TV in times of elections.

47. Correct Option: (d)

Explanation:

- Option (d) is correct

Supplementary notes:

Finance Commission

- It is the duty of the Commission to make recommendations to the President as to—
 - the distribution between the Union and the States of the net proceeds of taxes which are to be, or may be, divided between them and the allocation between the States of the respective shares of such proceeds;
 - the principles which should govern the grants-in-aid of the revenues of the States out of the Consolidated Fund of India;
 - the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Panchayats in the State on the basis of the recommendations made by the Finance Commission of the State;
 - the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Municipalities in the State on the basis of the recommendations made by the Finance Commission of the State;
 - any other matter referred to the Commission by the President in the interests of sound finance.
- The Commission determines its procedure and have such powers in the performance of their functions as Parliament may by law confer on them.

48. Correct Option: (b)

Explanation:

- Statement 1 is incorrect: It is a constitutional body.

Supplementary notes:

GST Council

- **Goods & Services Tax Council is a constitutional body** for making recommendations to the Union and State Government on issues related to Goods and Service Tax. It was established by the Constitution (One Hundred and First Amendment) Act, 2016.
- The GST Council is chaired by the Union Finance Minister and other members are the Union State Minister of Revenue or Finance and Ministers in-charge of Finance or Taxation of all the States or **any other Minister nominated by each State Government.**

49. Correct Option: (d)

Explanation:

- Both statements are correct

Supplementary notes:

National Commission for Backward Classes (NCBC)

- 102nd Constitution Amendment Act, 2018 provides constitutional status to the National Commission for Backward Classes (NCBC).
- It has the authority to examine complaints and welfare measures regarding socially and educationally backward classes.
- Previously NCBC was a statutory body under the Ministry of Social Justice and Empowerment.
- The Commission consists of five members including a Chairperson, Vice-Chairperson and three other Members appointed by the President by warrant under his hand and seal.
- The conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members is determined by President.
- **The Chairperson shall only be removed from his office by order of President on the ground of misbehavior** after the Supreme Court, on reference being made to it by President, has on inquiry held in accordance with the procedure prescribed by it under sub-clause (i) of clause (1) of article 145 of the Constitution, reported that the Chairperson ought on any such ground to be removed.

50. Correct Option: (d)

Explanation:

- All statements are correct

Supplementary notes:**Central Vigilance Commission (CVC)**

- CVC falls under the Ministry of Personnel. It is the main agency for preventing corruption in the Central Government. It is a statutory body, which composed of chairperson and 2 Vigilance Commissioners.
 - The Central Vigilance Commission has identified the following modes of corruption:
 - Acceptance of substandard stores/works.
 - Misappropriation of public money and misappropriation of stores.
 - Incurring pecuniary obligations of persons with whom the public servants have official dealings.
 - Borrowings money from contractors/firms having official dealings with officers.
- Showing favors to contractors and firms.
 - **Losses to the government by negligence or otherwise.**
 - **Claiming of false traveling allowance, house rent, etc.**
 - Possession of disproportionate assets.
 - Causing loss to the government by negligence or otherwise.
 - **Production of forged certificate of age of birth/community.**
 - Purchase of immovable property, etc. without prior permission or intimation.
 - Abuse of official position/powers.
 - **Acceptance of gifts.**

