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Kurumbapalayam (Po), Coimbatore – 641 107



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1. What is the composition of constitution assembly at its inception?

At its inception, the Constitution Assembly of India had a total of 299 members. This included 229 representatives from the provinces and 70 from the princely states. The Assembly was formed in 1946 and was responsible for drafting the Constitution of India.

2. When were the salient features of the Indian Constitution formally adopted and incorporated?

The salient features of the Indian Constitution were formally adopted and incorporated on January 26, 1950. This date is celebrated as Republic Day in India.

3. Show how the roles of the nominal and real executives differ in a parliamentary system.

Nominal Executive: The nominal executive is the ceremonial head of state, such as the President or Monarch. They perform formal duties and represent the country but have limited real political power. **Real Executive:** The real executive is the head of government, such as the Prime Minister, who actually runs the government and makes policy decisions. The real executive holds significant authority and operates with the support of the legislature.

4. Why is the Preamble considered a crucial part of the Indian Constitution?

The Preamble is considered a crucial part of the Indian Constitution because it outlines the fundamental values, goals, and guiding principles of the Constitution. It sets the tone and provides a framework for the interpretation and application of the Constitution's provisions, reflecting the aspirations of the people and the objectives of the Constitution.

5. Compare parliamentary system and presidential system.

In a **parliamentary system**:

- **Executive:** The executive (Prime Minister and Cabinet) is drawn from the legislature and is accountable to it. The Prime Minister is the head of government, while the head of state is often a separate, ceremonial role.
- **Stability:** The government can be dissolved by a vote of no confidence in the legislature, leading to elections if the government loses support.

In a **presidential system**:



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- **Executive:** The executive (President) is separate from the legislature and is elected independently. The President serves as both the head of state and head of government.
- **Stability:** The executive serves a fixed term and cannot be easily removed by the legislature

Part - B

6.a) Explain the features of Government of India Act 1935

Federal Structure: Established a federal system with a clear division of powers between the central and provincial governments.

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Provincial Autonomy: Introduced the concept of provincial autonomy by granting greater powers to provincial governments.

Bicameral Legislature: Created a bicameral central legislature with two houses: the Council of States (Rajya Sabha) and the Federal Assembly (Lok Sabha).

Dyarchy at the Centre: Continued the system of dyarchy at the central level, which had been introduced by the Government of India Act 1919, though it was modified.

Independent Judiciary: Established an independent judiciary with the Federal Court, which was empowered to resolve disputes between the Centre and the provinces and adjudicate on constitutional matters.

Election Process: Provided for the election of members to the central and provincial legislatures

Federal Finance: Defined the financial relations between the central and provincial governments, including the allocation of revenues and responsibilities for taxation.

Communal Representation: Continued communal representation with separate electorates for different religious communities, which was a contentious aspect of the Act.

Governorship: The Act provided for the appointment of Governors in provinces, who had significant powers, including the power to override decisions of provincial governments in certain cases.



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Responsibility of Ministers: Introduced the concept of responsible government in the provinces, where ministers were accountable to the provincial legislatures, marking a step towards self-government. **Reforms in Administration:** The Act introduced administrative reforms to streamline governance, including the establishment of a federal court and improvements in the administrative structure.

Limitations on Sovereignty: The Act limited the sovereignty of Indian legislatures and governments by retaining significant powers for the British Crown and the central government.

6.b). Summarize the Supreme Court's view on whether the Preamble can be amended.

Kesavananda Bharati Case (1973): The Supreme Court ruled that while the Preamble is a part of the Constitution and can be amended, it is subject to the "Basic Structure Doctrine." This doctrine holds that certain fundamental features of the Constitution, which include the essence of the Preamble, cannot be altered through amendments.

Indira Gandhi v. Raj Narain Case (1975): The Court reiterated that the Preamble reflects the fundamental values and principles of the Constitution. While it can be amended, any amendment must not alter the basic structure of the Constitution, as defined in Kesavananda Bharati.

Waman Rao Case (1981): The Court affirmed that amendments to the Preamble must not affect the fundamental aspects or the basic structure of the Constitution. This reinforces the principle that the core values enshrined in the Preamble are protected from modification.

Minerva Mills Case (1980): The judgment stressed that the Constitution's basic structure, including the Preamble's fundamental values, is inviolable and must be preserved during any amendment process.

7.a). Apply the concept of collective responsibility to explain how the Indian Cabinet functions

1. Definition and Principle

- **Collective Responsibility:** This principle means that all members of the Cabinet are collectively responsible to the Lok Sabha (the lower house of Parliament) for the actions and decisions of the government.



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2. Unified Decision-Making

- **Cabinet Meetings:** Decisions are made collectively during Cabinet meetings. All members participate in discussions and contribute to policy formulation.
- **Consensus and Unity:** Even if individual ministers have personal reservations, they must present a united front.
- **3. Accountability to Parliament**
- **Responsibility to Lok Sabha:** The entire Cabinet, including the Prime Minister, is accountable to the Lok Sabha. If the Lok Sabha passes a vote of no confidence against the Cabinet, it signifies that the Cabinet has lost the confidence of the majority of elected representatives, leading to the resignation of all Cabinet members.
- **Defending Decisions:** The Cabinet, led by the Prime Minister, must defend its decisions and policies in Parliament.

4. Prime Minister's Role

- **Leadership and Coordination:** The Prime Minister leads the Cabinet, coordinates its activities, and represents it in Parliament.
- **Resignation:** If the Cabinet loses the confidence of the Lok Sabha, the Prime Minister and all Cabinet members must resign.

5. Individual Ministerial Responsibility

- **Departmental Accountability:** While the Cabinet as a whole is collectively responsible, individual ministers are responsible for the administration of their specific departments.
- **Impact on Cabinet:** If a minister's actions or failures lead to a loss of confidence in the Cabinet, the principle of collective responsibility requires that the entire Cabinet resign.

6. Public and Political Implications

- **Unified Front:** The Cabinet must present a coherent and unified front to the public and Parliament.
- **Political Stability:** The principle of collective responsibility contributes to political stability by ensuring that the Cabinet operates as a cohesive unit.



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7. Historical Context and Practice

- **Historical Precedents:** The concept of collective responsibility has been integral to the functioning of Cabinets in various parliamentary democracies, including India. It ensures that the executive branch operates with a sense of shared responsibility and accountability.

7.b) Examine the key features of the federal system in India and their significance in the country's governance.

1. Division of Powers

- **Distribution of Powers:** The Constitution divides powers between the central government and the state governments through three lists: the Union List (Central), the State List (State), and the Concurrent List (both Central and State).
- **Union List:** Contains subjects of national importance, such as defense, foreign affairs, and atomic energy.
- **State List:** Includes areas of local significance, such as police, public health, and agriculture.
- **Concurrent List:** Covers subjects where both central and state governments can legislate, like education and marriage.
- **Significance:** This division allows for local autonomy while ensuring that national interests are also managed effectively, creating a balance between regional and central authority.

2. Supremacy of the Constitution

- **Constitutional Supremacy:** The Indian Constitution is the supreme law of the land, and both the central and state governments must operate within its framework. Any law that contradicts the Constitution is deemed invalid.
- **Significance:** This ensures uniformity and consistency in the application of laws across the country, maintaining the rule of law and protecting individual rights.

3. Dual Government Structure

- **Central Government:** Handles national and international matters and has powers that impact the entire country.
- **State Governments:** Manage local and regional issues, with authority to make decisions pertinent to their specific states.
- **Significance:** This dual structure allows for specialization and focused governance, addressing both national and regional needs effectively.



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4. Residuary Powers

- **Residuary Powers:** Powers not enumerated in the Union or State Lists fall under the jurisdiction of the central government. The Constitution originally gave the central government exclusive authority over these powers.
- **Significance:** This provision ensures that emerging and unforeseen areas of governance can be managed at the central level, providing flexibility in addressing new challenges.

5. Inter-State Relations

- **Inter-State Council:** Established to promote coordination and resolve disputes between states and between the central and state governments.
- **Significance:** Facilitates cooperation among states and between states and the central government, ensuring harmonious functioning of the federal system.

6. Emergency Provisions

- **Emergency Provisions:** The Constitution provides for the imposition of national, state, or financial emergencies, allowing the central government to assume greater powers if necessary.
- **National Emergency:** Can be declared during war or external aggression.
- **State Emergency:** Imposed if a state's governance breaks down.
- **Financial Emergency:** Declared if the financial stability of India is threatened.
- **Significance:** These provisions ensure that the central government can act decisively in crises, maintaining the integrity and stability of the nation while respecting federal principles.

7. Judicial Review

- **Judicial Review:** The Supreme Court and High Courts have the power to review and strike down laws that contravene the Constitution.
- **Significance:** This acts as a check on both central and state governments, ensuring that their actions are within constitutional limits and protecting fundamental rights.

8. Representation and Autonomy

- **State Representation:** States are represented in the Rajya Sabha (Council of States), providing them a voice in national legislation.
- **Autonomy:** States have the power to create their own laws and manage their internal affairs, within the framework of the Constitution.



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- **Significance:** This representation ensures that states have a say in national decisions, while autonomy allows them to address local issues according to their specific needs.

9. Central-State Financial Relations

- **Financial Relations:** The Constitution provides for financial devolution from the central government to states and outlines the distribution of revenues, grants, and taxes.
- **Significance:** Ensures that states have the financial resources necessary to perform their functions and deliver services, promoting equitable development across the country.

Part – C

8.a) Determine the impact of Directive Principles of State Policy on the legislative process in India.

Introduction

- **Definition:** The Directive Principles of State Policy are guidelines set out in Part IV of the Indian Constitution (Articles 36-51). They aim to ensure socio-economic justice and guide the state in formulating laws and policies.

Historical Context

- **Origins:** Discuss the framers' intent behind incorporating DPSP, influenced by the Irish Constitution and the vision of a welfare state.
- **Purpose:** DPSPs were designed to be non-justiciable, i.e., they cannot be enforced by courts but are intended to guide the governance and policy-making process.

Impact on Legislative Process

1. Guiding Policy Formation

- **Influence on Legislation:** DPSPs guide the creation of laws by providing a framework for policy objectives. For example, legislation in areas like education, health, and welfare reflects the principles of social justice and economic welfare outlined in the DPSPs.



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- Case Study: Refer to specific laws, such as the Right to Education Act (2009) and various welfare schemes, which align with the principles enshrined in the DPSPs.

2. Legislative Priorities

- Setting Priorities: DPSPs often influence the legislative agenda by emphasizing the importance of economic equality and social justice. They direct legislative bodies to prioritize laws that address poverty, unemployment, and social inequality.
- Example: The enactment of the National Food Security Act (2013) can be seen as a reflection of the DPSPs' emphasis on providing adequate nutrition to all citizens.

3. Judicial Interpretation

- Judicial Guidance: While DPSPs are non-justiciable, the judiciary often refers to them when interpreting fundamental rights and evaluating the constitutionality of laws. For instance, the Supreme Court has used DPSPs to broaden the scope of fundamental rights.
- Case Law: Mention landmark cases like *Kesavananda Bharati v. State of Kerala* (1973) and *Minerva Mills v. Union of India* (1980), where DPSPs were used to argue for the integration of socio-economic rights with fundamental rights.

4. Policy Critiques

- Implementation Challenges: Discuss the limitations faced in translating DPSPs into effective legislation due to financial constraints, political will, and administrative inefficiencies.
- Criticism: Highlight criticisms regarding the practical impact of DPSPs, especially in regions with inadequate resources or where political priorities may diverge from DPSP objectives.



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5. Role in Balancing Fundamental Rights

- **Balancing Act:** DPSPs serve to balance fundamental rights by emphasizing socio-economic rights, thereby guiding the legislative process to ensure that fundamental rights are not enjoyed in isolation from social welfare objectives.
- **Examples:** Describe how the Right to Work and the concept of social justice in DPSPs influence the formulation of laws aimed at improving living standards.

8.b) Classify the Fundamental Rights guaranteed by the Indian Constitution.

Right to Equality (Articles 14-18)

- **Article 14: Equality before the Law** - Guarantees that every individual is equal before the law and entitled to equal protection of the laws.
- **Article 15: Prohibition of Discrimination** - Prohibits discrimination on grounds of religion, race, caste, sex, or place of birth. It allows for special provisions for the advancement of socially and educationally backward classes.
- **Article 16: Equality of Opportunity in Public Employment** - Ensures equal opportunities in public employment and prohibits discrimination in public employment.
- **Article 17: Abolition of Untouchability** - Abolishes untouchability and forbids its practice in any form.
- **Article 18: Abolition of Titles** - Abolishes titles except those given to academic or military distinctions, thus preventing any undue privileges or inequalities based on titles.

Right to Freedom (Articles 19-22)

- **Article 19: Six Freedoms** - Guarantees the freedoms of speech and expression, assembly, association, movement, residence, and profession.
- **Article 20: Protection in Respect of Conviction for Offenses** - Provides protection against retrospective criminal laws, self-incrimination, and double jeopardy.
- **Article 21: Protection of Life and Personal Liberty** - Ensures that no person shall be deprived of their life or personal liberty except according to the procedure established by law.
- **Article 22: Protection Against Arbitrary Arrest and Detention** - Guarantees the right to be informed of the grounds of arrest, the right to consult a legal practitioner, and the right to be produced before a magistrate within 24 hours.



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Right Against Exploitation (Articles 23-24)

- **Article 23: Prohibition of Traffic in Human Beings and Forced Labor** - Prohibits trafficking, forced labor, and other forms of exploitation.
- **Article 24: Prohibition of Child Labor** - Prohibits the employment of children below the age of 14 years in hazardous industries and mines.

Right to Freedom of Religion (Articles 25-28)

- **Article 25: Freedom of Conscience and Free Profession, Practice, and Propagation of Religion** - Guarantees the freedom to profess, practice, and propagate religion, subject to public order, morality, and health.
- **Article 26: Freedom to Manage Religious Affairs** - Allows religious denominations to manage their own affairs in matters of religion.
- **Article 27: Freedom from Taxation for Promotion of Religion** - Prohibits the use of state funds for promoting or maintaining any religion.
- **Article 28: Freedom from Religious Instruction in Certain Educational Institutions** - Ensures that no religious instruction is imparted in government-funded educational institutions.

Cultural and Educational Rights (Articles 29-30)

- **Article 29: Protection of Interests of Minorities** - Protects the rights of individuals or groups to conserve their culture, language, or script.
- **Article 30: Right of Minorities to Establish and Administer Educational Institutions** - Grants minorities the right to establish and administer educational institutions of their choice.

Right to Constitutional Remedies (Article 32)

- **Article 32: Right to Move the Court** - Provides the right to move the Supreme Court or High Courts to enforce the Fundamental Rights. It empowers courts to issue writs like Habeas Corpus, Mandamus, Prohibition, Certiorari, and Quo Warranto.