

## 2nd year Essay Answers

### Q1. Explain the salient features of Indian Constitution.

**Ans.** Indian Constitution is a unique Constitution. The framers of the Constitution attempted to secure unity and stability of the nation and initiated the process of Nation building and Socio – Economic reconstruction.

The following are the main features of the Indian Constitution :

1. **Written and Detailed Constitution :** The Indian Constitution is a written document. It was drafted, debated and enacted by the Constituent Assembly. It took 2 years 11 months and 18 days to write and enact the constitution. Originally it consists of 395 Articles, divided into 22 parts, 8 schedules.
2. **India is Sovereign, Socialist, Secular, Democratic, Republic :** With the adoption of the Constitution, India became sovereign, socialist, secular, democratic, republic. It is empowered to act independently both internally and externally. The words Socialist and Secular are included in 1976 highlights the role of state in securing social, economic and political justice to all its people. It believes in Democracy by providing freedom to people with fundamental rights. India continued to be Republic with an elected Head of the State. Freedom of religion is the Secular character of the Indian Constitution.
3. **Noble Aims and Objectives :** The Constitution possesses noble aims and objectives such as it secures justice in social, economic and political matters to all its citizens. It promotes equality of status and opportunity to all its citizens. It also strives for the fraternity, dignity of individual as well as unity and integrity of the nation.
4. **Combination of Rigidity and Flexibility :** Indian Constitution can be amended with Rigid and Flexible methods. The Union Parliament can amend some provisions of the constitution by simple majority like formation of new state, changing the boundaries of state etc. Some other provisions require a special majority method of 2/3<sup>rd</sup> majority in both the houses of the Parliament and approval of at least 50% of State Legislature is Rigid in nature.
5. **Unitary and Federal features :** The Constitution of India describes India as a "Union of States" and provides for a Federal Structure. Single citizenship, Single Election Commission, Governor as an agent of Union Govt. etc. are the Unitary features. Two levels of Govt., Written, Rigid and Supreme Constitution, Bicameralism etc. are the Federal features.
6. **Parliamentary Government :** Indian Constitution introduced parliamentary system of Govt. at central and state levels. There are two types of executive heads President is the nominal executive and Prime Minister and his Council of Ministers are the real executives.
7. **Independent Judiciary :** The Constitution of India provided independent and integrated Judiciary for Indians. It clearly states that the executive and legislative authorities should prevent from interfering in the functioning of the Judiciary.
8. **Directive Principles of State Policy :** Part IV from Articles 36 to 51 of the Constitution deals with the Directive Principles of State Policy. These principles are taken from the Irish Constitution. The framers of the Constitution want to transform India into a Welfare, Gandhian and Liberal state through these principles.
9. **Fundamental Rights :** Part III from Article 12 to 35 of the Indian Constitution deals with the Fundamental Rights take from the Constitution of America. At first there were Seven Fundamental Rights but, At present there are only Six Fundamental Rights like Right to Equality, Right to Freedom, Right against Exploitation, Right to Religion, Cultural and Educational Rights and Right to

Constitutional Remedies.

10. Fundamental Duties : Part VI A Article 51A of the Indian Constitution deals with the Fundamental Duties inserted through the 42<sup>nd</sup> amendment Act, 1976. They are 11 in number, Respecting Constitution, National Flag, National Anthem, Safeguarding public property etc.
11. Single Citizenship : The Constitution of India conferred single citizenship to all the people born in India. This promotes the unity and integrity of the Nation.
12. Universal Adult Franchise : Indian Constitution granted right to vote to all its citizens above the age of 18 years without any discrimination on the basis of caste, religion, gender, language etc.
13. Bicameralism : The idea of Bicameralism is adopted from the British and American Constitution. Accordingly the Indian Parliament has two houses namely Lok Sabha representing the people and Rajya Sabha representing the states.
14. Panchayat Raj and Nagar Palika Act : This is an important feature of the Indian Constitution Gandhiji stressed a lot, on the need for establishing and strengthening the Local self Governing bodies for improving the conditions of the people.
15. Special Provisions Relating to Schedule Castes and Schedule Tribes : The Constitution of India has given specific directives for the development of schedule castes and schedule tribes.

## **Q2. Explain the Fundamental Rights as Incorporated in the Indian Constitution.**

**Ans. Introduction:** Part III Article 12 to 35 of the Indian Constitution deals with the Fundamental Rights adopted from the American Constitution. Originally there were seven Fundamental Rights but, at present they are six in number.

Right to Property under Article 31 has been deleted by 44<sup>th</sup> Amendment Act, 1978. It is a legal right now by Article 300.

The following are the Six Fundamental Rights :

### 1. Right to Equality (Article 14 to 18) :

- a) According to Article 14 State shall not deny to any person equality before the law.
- b) Article 15 states that, State shall not discriminate any citizen on the grounds of Caste, Religion, Gender, Place of birth etc.
- c) Article 16 states that, State shall provide equal opportunities for all the citizens in the matters relating to appointment to any office under state.
- d) Article 17 abolishes "Untouchability" and its practice is forbidden.
- e) Article 18 states that, no titles, excluding a military or academic shall be conferred by the state.

### 2. Right to Freedom (Article 19 to 22) :

a) According to Article 19 all the citizens shall have :

1. Freedom of Speech.
2. Freedom to assemble peacefully and without arms.
3. Freedom to form associations and unions.
4. Freedom to move freely through out the territory of India.
5. Freedom to reside and settle in any part of the country.
6. Freedom to practice any profession, occupation, trade or business.

b) Article 20 states that, no person shall be convicted for any offence except for violation of law.

c) Article 21 states that, no person shall be deprived of his life or personal liberty except according to procedure established by law.

d) Article 21A states that, State shall provide free and compulsory education to all

the children from age of six to fourteen years.

e) Article 22 states that, no person who is arrested shall be detained in custody without being informed.

3. Right Against Exploitation (Article 23 and 24) :

a) Article 23 prohibits, the traffic in human beings and beggar and other similar forms of forced labour.

b) Article 24 prohibits employment of child below the age of 14 years in any factory, mine or any other hazardous places

4. Right to Freedom of Religion (Article 25 to 28) :

a) According to Article 25 all persons are equally entitled to profess, practice, propagate religion of their choice.

b) According to Article 26 every religious denominations shall have the right to :

i) establish and maintain institutions for religious and charitable purposes.

ii) manage its own affairs in matters of religion.

iii) own and acquire movable and immovable property and

iv) administer such property in accordance with law.

c) According to Article 27, no person shall be compelled to pay any taxes for promotion or maintenance of any particular religion

d) According to Article 28, no religious instructions shall be provided in any educational institutions wholly maintained by state.

5. Cultural and Educational Rights (Article 29 and 30) :

a) According to Article 29, every citizen have right to conserve its own language, script, culture. No citizen shall be denied to get admission into educational institutions maintained by the state on the grounds of religion, caste, race, language etc.

b) According to Article 30, the minorities whether based on religion or language shall have right to establish and administer educational institutes of their choice.

6. Right to Constitutional Remedies (Article 32) :

According to Article 32, every individual has the right to move to court by appropriate proceedings for the enforcement of the rights conferred on them. The court shall issue directions or writs for the enforcement of fundamental rights guaranteed by the Constitution.

### **Q3. Explain the Directive Principles of State Policy.**

**Ans.** The Concept of Directive Principles of State Policy derived from the Constitution of Ireland. They are mentioned in part IVth of the Indian Constitution from Articles 36 to 51. They are Non- Justiciable in nature.

Directive Principles are classified into three types :

Socialist Principles, Gandhian Principles, Liberal Principles.

1. Socialist Principles: These principles are added for achieving the objective of establishing a welfare state in India.

a) Article 38 provides that state shall strive to promote the welfare of the people by securing social economic and political justice to all.

b) Article 39 provides that state shall take steps for the

i) Provision of adequate means of livelihood

ii) Distribution of material resources for sub serving common goals.

iii) Decentralization of Nation's ealth.

iv) Equal pay for equal work to both men and women.

v) Protecting childhood and youth against exploitation etc.

c) Article 41 seeks the state to ensure the right to work, to education and to public assistance in case of unemployment, oldage, sickness, disablement etc .

d) Article 42 state shall make provision for securing just and human conditions of work and maternity relief.

- e) Article 43 directs the state to provide all workers a living wage, decent standard of living, enjoyment of leisure, social and cultural opportunities.
- f) Article 46 makes the state obligatory to promote the educational and economic interests of the weaker sections of the people and protect them against social injustice and all forms of exploitation.
- g) Article 47 insists the state to raise the level of nutrition and standard of living of the people and to improve public health.

2. **Gandhian Principles:** These principles are based on ideas of Gandhiji and provide ideal rule in India.

- a) Article 40 directs the state to organize village panchayat and provide sufficient powers to function as unit of self-govt.
- b) Article 43 directs the state to strive for the promotion of cottage industries on individual or co-operative basis in rural areas.
- c) Article 47 directs the state endeavour to bring about prohibition of intoxicating drinks and drugs.
- d) Article 48 instructs the state to organize agricultural and animal husbandary on modern and scientific lines and also imposed prohibition of slaughter of cows, calves and other cattle.
- e) Article 48 A directs the state to preserve the environment and safeguard the forest and wildlife of the country.
- f) Article 49 instructs the state to protect the monuments, places and other objects of historic and national importance.

3. **Liberal Principles:** These principles are related to realization of certain provision of basic education, uniform civil code, independent judiciary and international peace.

- a) Article 44 directs the state to secure for the citizens, uniform civil code throughout the country.
- b) Article 45 prescribes that the state shall provide free and compulsory education for all the children below 14 years of age.
- c) Article 50 instructs that, state should take steps to separate judiciary from executive in public service of the state.
- d) Article 51 envisages the state to
  - i) Promote international peace and security
  - ii) Maintain just and honourable relations between nations
  - iii) Foster respect for international laws and treaty obligations
  - iv) Encourage settlement of international disputes.

#### Q4. Explain the powers of Indian Parliament.

**Ans.** Indian Parliament is the supreme Legislative body reflecting the aims and aspirations of the common people in India. The following are the powers of the Parliament:

- 1) **The Parliament can make laws over the subjects of Union List and Concurrent List:** It has also the power to legislate over all other subjects which are mentioned in any list. A Bill will become an Act only after the approval in both the houses of the parliament, as well as after obtaining the signature from the President.
- 2) **Executive Power:** The Union Council of Ministers are held responsible to the Loksabha for all its decisions over policies. Adjournment Motion, Cut Motion, Call Attention Motion, are keys to control the executive. The Loksabha can remove the Govt, by passing No Confidence against the Prime Minister and his Council of Ministers.

- 3) **Financial Powers:** The Parliament is the custodian of the National Finance. No tax can be imposed or collected or any expenditure can be made without the approval of the parliament. A rejection of money bill by the Lok Sabha is vote of No Confidence against the Govt. and it has to resign.
- 4) **Power to amend the Constitution:** According to the Article 368 of the Constitution the Parliament, has the power to amend the Constitution. Most of the constitutional provisions are amended by the Union Parliament by 2/3<sup>rd</sup> majority of the members in each house.
- 5) **Electoral Functions:** Indian Parliament elects the president and vice president. The members of Lok Sabha elect two of their members as the Speaker and Deputy Speaker. The members of Rajyasabha elect their Deputy Chairmen among them.
- 6) **Judicial Powers:** Indian Parliament is empowered to impeach the president, vice president, the chief justice and other judges of the Supreme Court and High Court on specific grounds of allegations of corruption and inefficiency.
- 7) **Deliberative Functions:** Parliament is a public platform, where the deliberations are made on different subjects concerning people of India. It discuss at length, the contemporary national and international issues, as well as matters related to redressal of public grievances, etc.
- 8) **Other Powers:** Indian Parliament discuss bills related to the
  - a) Alteration of boundaries of states
  - b) Creation or abolition of Legislative Council
  - c) Changes in the names of states.

#### **Q5. Describe the ordinary and emergency powers of the President of India.**

Ans. The President of India is the constitutional head of the state. He preserve the Nations identity and upholds the constitution and its values. The powers of the president are classified into two types a) General (b) Emergency

- a) **General Powers :** The General Powers of the president of India
  1. **Executive Powers:** The President exercise executive powers directly or through officers sub-ordinate to him. He appoints the Prime Minister, The Union Council of Ministers, The Governors, The Judges of the Supreme Court, High Court, Election Commission etc.
  2. **Legislative Powers:** The President is the integral part of the Union Legislature. The president has power to summon and prorogue the two houses of the parliament and to dissolve the Lok Sabha on advice of council of ministers. The president nominates two Anglo Indian members to Lok Sabha and 12 members to Rajya Sabha.
  3. **Financial Powers:** The president initiates every financial year through the annual budget which is presented before the parliament. He operates contingency fund of India. No money bill can be introduced in the parliament without prior permission of the president. He appoints the chairmen and the members of the Finance Commission etc.
  4. **Judicial Powers:** The president appoints and administers oath of the office to the chief justice and other judges of the Supreme Court and High Courts. He can grant pardon or reprieve punishment. He can seek judicial advise on any legal matter from the Supreme Court.
  5. **Military Powers:** The president is the Supreme Commander of the defence forces. He appoints the chiefs of the Army, Navy and Air Force. He can declare war and negotiate peace. He represents India at international level.
  6. **Diplomatic Powers:** The president of India appoints the diplomatic envoys to foreign countries and receives ambassadors of other countries appointed to India. All treaties and international agreements are negotiated and concluded

in the name of the president.

- b) **Emergency Powers:** The constitution of India empowers the president to declare three types of emergencies.
1. **National Emergency (Article 352) :** The president can declare National Emergency if he is satisfied that any part of the country is threatened by war and external attack or armed rebellion. The declaration shall be in force for six months.
  2. **Constitutional Emergency(Article 356):** If the president receives a report from the Governor of a state that, situation has arrived in which the Govt. of the state cannot function according to the constitutional provisions, the president may declare constitutional emergency. It is also called as President's Rule.
  3. **Financial Emergency(Article 360):** If the president is satisfied that, the Financial stability or credibility of the country or any state is threatened, he can declare financial emergency. During this emergency the salaries and allowances of the a administrative personnel will be reduced. All the money bills passed by the state legislature are reserved for the consideration of the president.

#### **Q6. Describe the powers of the Prime Minister of India.**

Ans. The Prime Minister is the real executive head of the Union Govt. The president appoints the leader of the majority party in the Lok Sabha as the Prime Minister along with the Union Council of Ministers. The following are the powers and functions of the Prime Minister.

1. **Prime Minister – Leader of the Majority Party:** The Prime Minister is the leader of the majority party in the House of People. He wishes to implement party's political manifesto as promised to the people at the time of elections. He act as a link between the party and Govt.
2. **Prime Minister – Leader of the Union cabinet:** The council of ministers are constituted by the Prime Minister. He has the power to include or dismiss any person in the council of ministers. He can the departments among the ministers. He presides over the cabinet meetings.
3. **Prime Minister – Leader of the Parliament:** As the leader of the majority party in the Lok Sabha and Head of the Govt. the Prime Minister is treated as the Leader of the Parliament. He informs the cabinet decisions to the parliament. He informs the major domestic and foreign policies of the Union Govt. to the parliament.
4. **Prime Minister – Link between the President and the Council of Ministers:** It is the duty of the Prime Minister to communicate to the president about the decisions of the Union Council of Ministers. He provides the information required by the president concerning the affairs of the Union Govt.
5. **Prime Minister – Leader of the Union Govt.:** The Prime Minister is the Head of the Union Govt. He along with council of ministers frames policies and programmes for the upliftment and development of the people and country. The entire Govt. machinery acts according to the wishes of the Prime Minister.
6. **Prime Minister – Leader of the nation:** The Prime Minister acts as the leader of the Nation. His statements in and out side of the parliament are treated as important matters to the nation. The Prime Minister represents the nation when he visits to foreign countries and his attitude is treated as the opinion of the nation as a whole.

Hence, the Prime Minister is the key person in the functioning of the Union Govt.