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IV/IV B.Tech (Regular\Supplementary) DEGREE EXAMINATION

November, 2022

Seventh Semester

Time: Three Hours

Computer Science & Engineering

Constitution of India

Maximum: 50 Marks

*Answer question 1 compulsory.***(10X1 = 10Marks)***Answer one question from each unit.***(4X10=40 Marks)**

- | | | CO | BL | M |
|-----------------|--|-----|----|----|
| 1 | a) What do you mean by Constituent Assembly | CO1 | L1 | |
| | b) Defines territory? What is an example for territory? | CO1 | L3 | |
| | c) What is constitution in simple words? | CO1 | L2 | |
| | d) What do you mean by the Directive Principles? | CO2 | L4 | |
| | e) What is sovereignty unity and Integrity? | CO2 | L1 | |
| | f) What is Parliament consisting of? | CO2 | L1 | |
| | g) What is the main role of the president? | CO3 | L3 | |
| | h) What is financial emergency? | CO3 | L2 | |
| | i) What are examples of local self-government? | CO4 | L3 | |
| | j) What do you mean by state legislature? | CO4 | L4 | |
| Unit-I | | | | |
| 2 | a) Explain the procedure to amend the constitution. | CO1 | L2 | 5M |
| | b) What is Preamble? What are the four preamble of Indian Constitution? | CO1 | L3 | 5M |
| (OR) | | | | |
| 3 | a) Discuss basic features of the Indian Constitution. | CO1 | L1 | 5M |
| | b) "The Directive Principles of State Policy constitute a comprehensive political, social and economic program for a modern democratic welfare State". Examine | CO1 | L2 | 5M |
| Unit-II | | | | |
| 4 | a) Discuss the functions and jurisdiction of the Supreme Court of India | CO2 | L3 | 5M |
| | b) Discuss in detail role and power of Indian Prime Minister. | CO2 | L1 | 5M |
| (OR) | | | | |
| 5 | a) Explain the privileges and immunities of Parliament and its members. | CO2 | L2 | 5M |
| | b) Discuss Fundamental Rights provided by the Indian Constitution. | CO2 | L4 | 5M |
| Unit-III | | | | |
| 6 | a) What is the division of powers between the central and the state? | CO3 | L2 | 5M |
| | b) What is President's Rule? Why President's Rule is Imposed. | CO3 | L3 | 5M |
| (OR) | | | | |
| 7 | a) What is the Machinery of Government in the states? Explain. | CO3 | L2 | 5M |
| | b) What are the functions of State judiciary? | CO3 | L2 | 5M |
| Unit-IV | | | | |
| 8 | a) What are the duties and powers of Comptroller and Auditor General (CAG)? | CO4 | L1 | 5M |
| | b) What are the advantages and disadvantages of Panchayati Raj? | CO4 | L4 | 5M |
| (OR) | | | | |
| 9 | a) What is meant by constitutional amendment? What are the different ways to amendment of constitution? | CO4 | L3 | 5M |
| | b) Define Political parties. What are the different types of political parties under Class 10? | CO4 | L2 | 5M |



BAPATLA ENGINEERING COLLEGE:BAPATLA

DEPARTMENT OF COMPUTER SCIENCE & ENGINEERING

SCHEME OF VALUATION

IV/IV B.Tech (Regular) DEGREE EXAMINATION

Constitution of India

November, 2022

18CS705

Fourth Semester

Maximum: 50 Marks

1. a) What do you mean by Constituent Assembly

A constituent assembly (also known as a constitutional convention, constitutional congress, or constitutional assembly) is a body assembled for the purpose of drafting or revising a constitution. **1M**

b) Defines territory? What is an example for territory?

A geographic area belonging to or under the jurisdiction of a governmental authority. There are currently eight union territories in India, namely Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli and Daman and Diu, Delhi, Jammu and Kashmir, Ladakh, Lakshadweep and Puducherry. **1M**

c) What is constitution in simple words?

A Constitution is a set of rules and regulations guiding the administration of a country. The constitution of India is the framework for political principles, procedures and powers of the government. **1M**

d) What do you mean by the Directive Principles?

These principles aim at ensuring socioeconomic justice to the people and establishing India as a Welfare State. **1M**

e) What is sovereignty unity and Integrity?.

Sovereign means the independent authority of a State—that it has the power to legislate on any subject; and that it is not subject to the control of any other State / external power.

Integrity is defined as a characteristic that is required of every individual. To maintain sovereignty and integrity in India, certain fundamental rights to Indian citizens must be followed. Those fundamental rights are concerned with protecting sovereignty and integrity within India. **1M**

f) What is Parliament consisting of?

Legislature of the Union, which is called Parliament, consists of the President and two Houses, known as Council of States (Rajya Sabha) and House of the People (Lok Sabha). Each House has to meet within six months of its previous sitting. A joint sitting of two Houses can be held in certain cases. **1M**

g) What is the main role of the president?

The President is responsible for implementing and enforcing the laws written by Congress and, to that end, appoints the heads of the federal agencies, including the Cabinet. The Vice President is also part of the Executive Branch, ready to assume the Presidency should the need arise. **1M**

h) What is financial emergency?

Article 360 empowers the president to proclaim a Financial Emergency if he is satisfied that a situation has arisen due to which the financial stability or credit of India or any part of its territory is threatened. **1M**

i) What are examples of local self-government?

Local self-government bodies are responsible for school and pre-school education, primary healthcare (outpatient clinics, rural health posts), cultural institutions, amenities – street lighting, roads, cleaning, public order and many other important day-to-day issues. **1M**

j) What do you mean by state legislature?

Each state has a legislative assembly. A state legislature that has one house - State Legislative Assembly (Vidhan Sabha) - is a unicameral legislature. A state legislature that has two houses - the State Legislative assembly and State Legislative Council (Vidhan Parishad) - is a bicameral legislature. **1M**

Unit -I

2.a) Explain the procedure to amend the constitution.

The Constitution provides that an amendment may be proposed either by the Congress with a two-thirds majority vote in both the House of Representatives and the Senate or by

a constitutional convention called for by two-thirds of the State legislatures As of October 2021, there have been 105 amendments of the Constitution of India since it was first enacted in 1950. There are three types of amendments to the Constitution of India of which second and third type of amendments are governed by Article 368. **2M**

There are three ways of amending the constitution: Amendment by
simple majority.

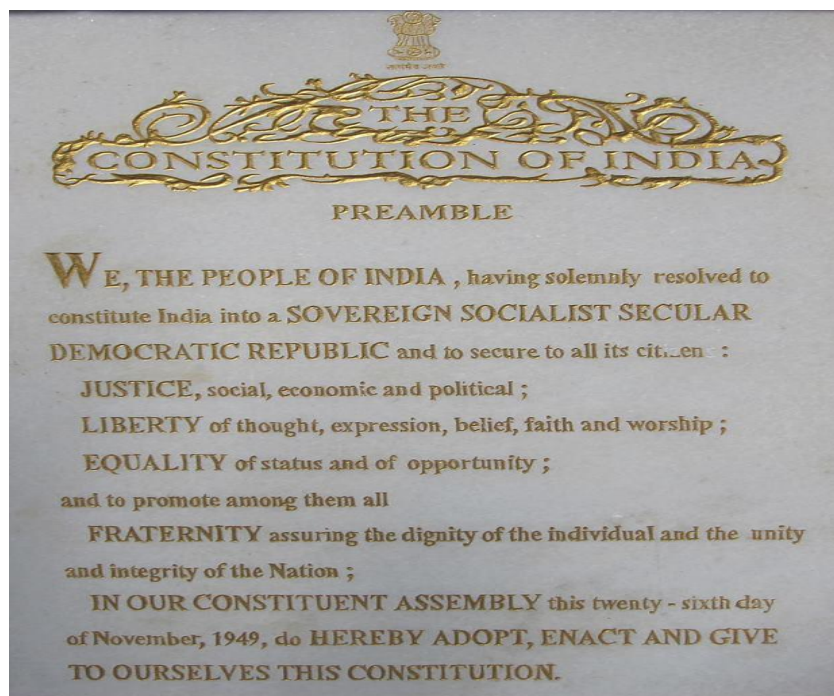
Amendment by special majority.

Special majority with ratification by the state legislature. **1M**

Constitutions need to be amended over time to adjust provisions that are inadequate, to respond to new needs, including supplementing rights, etc. Otherwise, the text of a constitution cannot reflect social realities and political needs over time. **2M**

b). What is Preamble? What are the four preamble of Indian Constitution?

What is Preamble : WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens. **1M**



2M

- JUSTICE, social, economic and political;
- LIBERTY of thought, expression, belief, faith and worship;

- EQUALITY of status and of opportunity, and to promote among them all,
- FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this 26th day of November 1949,
do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS
CONSTITUTION. **2M**

(OR)

3. a) Discuss basic features of the Indian Constitution

- The Indian Constitution is unique in its contents and spirit.
- Though borrowed from almost every constitution of the world, the constitution of India has several salient features that distinguish it from the constitutions of other countries.
- 42nd Amendment Act (1976) is known as 'Mini-Constitution' due to the important and large number of changes made by it in various parts of the Constitution. **2M**

Longest Written Constitution

Drawn From Various Sources

Blend of Rigidity and Flexibility

Federal System with Unitary Bias

Parliamentary Form of Government

Synthesis of Parliamentary Sovereignty and Judicial

Supremacy

Integrated and Independent Judiciary

Fundamental Rights

Directive Principles of State Policy

Fundamental Duties

A Secular State

Universal Adult Franchise

Single Citizenship

Independent Bodies

Emergency Provisions

Three-tier Government

Co-operative Societies

3M

3 b). The Directive Principles of State Policy constitute a comprehensive political, social and economic program for a modern democratic welfare State.

- The source of the concept of Directive Principles of State Policy (DPSP) is the Spanish Constitution from which it came in the Irish Constitution.

- The concept of DPSP emerged from Article 45 of the Irish Constitution.

- Constitutional Provisions: Part IV of the Constitution of India (Article 36–51) contains the Directive Principles of State Policy (DPSP).

- Article 37 of the Indian Constitution States about the application of the Directive Principles.

- These principles aim at ensuring socioeconomic justice to the people and establishing India as a Welfare State.

1M

- **Fundamental Rights Vs DPSP:**

- Unlike the Fundamental Rights (FRs), the scope of DPSP is limitless and it protects the rights of a citizen and work at a macro level.

- DPSP consists of all the ideals which the State should follow and keep in mind while formulating policies and enacting laws for the country.

- Directive Principles are affirmative directions on the other hand, Fundamental Rights are negative or prohibitive in nature because they put limitations on the State.

- The DPSP is not enforceable by law; it is non-justiciable.

- It is important to note that DPSP and FRs go hand in hand.

- DPSP is not subordinate to FRs.

- **Classification of Principles:** The Directive Principles are classified on the basis of their ideological source and objectives. These are Directives based on:
 - **Socialist Principles**
 - **Gandhian Principles**
 - **Liberal and Intellectual Principles**
 - **Directives based on Socialist Principles** **1M**
- **Article 38:** The State shall strive to promote the welfare of the people by securing and protecting a social order by ensuring social, economic and political justice and by minimising inequalities in income, status, facilities and opportunities
- **Articles 39:** The State shall in particular, direct its policies towards securing:
 - Right to an adequate means of livelihood to all the citizens.
 - The ownership and control of material resources shall be organised in a manner to serve the common good.
 - The State shall avoid concentration of wealth in a few hands.
 - Equal pay for equal work for both men and women.
 - The protection of the strength and health of the workers.
 - Childhood and youth shall not be exploited.
- **Article 41:** To secure the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disability.
- **Article 42:** The State shall make provisions for securing just and humane conditions of work and for maternity relief.
- **Article 43:** The State shall endeavour to secure to all workers a living wage and a decent standard of life.
 - **Article 43A:** The State shall take steps to secure the participation of workers in the management of industries.
- **Article 47:** To raise the level of nutrition and the standard of living of people and to improve public health. **1M**
- **Directives based on Gandhian Principles**
- **Article 40:** The State shall take steps to **organise village panchayats** as units of Self Government

- **Article 43:** The State shall endeavour to promote cottage industries on an individual or cooperative basis in rural areas.
 - **Article 43B:** To promote voluntary formation, autonomous functioning, democratic control and professional management of cooperative societies.
- **Article 46:** The State shall promote educational and economic interests of the weaker sections of the people particularly that of the Scheduled Castes (SCs), Scheduled Tribes (STs) **and** other weaker sections.
- **Article 47:** The State shall take steps to improve public health and prohibit consumption of intoxicating drinks and drugs that are injurious to health.
- **Article 48:** To prohibit the slaughter of cows, calves and other milch and draught cattle and to improve their breeds.
- **Directives based on Liberal-Intellectual Principles**
- **Article 44:** The State shall endeavour to secure for the citizen a Uniform Civil Code through the territory of India.
- **Article 45:** To provide early childhood care and education for all children until they complete the age of six years.
- **Article 48:** To organise agriculture and animal husbandry on modern and scientific lines.
 - **Article 48A:** To protect and improve the environment and to safeguard the forests and wildlife of the country.
- **Article 49:** The State shall protect every monument or place of artistic or historic interest.
- **Article 50:** The State shall take steps to separate judiciary from the executive in the public services of the State.
- **Article 51:** It declares that to establish international peace and security the State shall endeavour to:
 - Maintain just and honourable relations with the nations.
 - Foster respect for international law and treaty obligations.
 - Encourage settlement of international disputes by arbitration.
- **Amendments in DPSP:**

- **42nd Constitutional Amendment, 1976:** It introduced certain changes in the part-IV of the Constitution by adding new directives:
 - **Article 39A:** To provide free legal aid to the poor.
 - **Article 43A:** Participation of workers in management of Industries. **1M**
 - **Article 48A:** To protect and improve the environment. **2M**

Unit -II

4. a) Discuss the functions and jurisdiction of the Supreme Court of India

- It takes up appeals against the verdicts of the High Courts, other courts and tribunals.
- It settles disputes between various government authorities, between state governments, and between the centre and any state government.
- It also hears matters which the President refers to it, in its advisory role.
- The SC can also take up cases suo moto (on its own).
- The law that SC declares is binding on all the courts in India and on the Union as well as the state governments. **2M**

The jurisdiction of the SC is of three types:

The jurisdiction of the SC is of three types:

- Original
- Advisory
- Appellate **3M**

4.b) Discuss in detail role and power of Indian Prime Minister.

- Article 75 of the Indian Constitution mentions that a Prime Minister is one who is appointed by the President. There is no specific procedure for his election or appointment.
- Article 74(1) states that there shall be a Council of Ministers with a Prime Minister at the head to aid and advise the President. Thus, the Indian Constitution itself recognizes a Council of Ministers.

- This article will mention in detail about Prime Minister and Council of Ministers who form an important part of the Union Executive.
- The prime minister is responsible for aiding and advising the president in distribution of work of the government to various ministries and offices and in terms of the Government of India (Allocation of Business) Rules, 1961. **2M**

Power of Prime Minister

Prime Minister of India serves the country by following various functions. He performs his functions taking responsibilities as:

- **The leader of Country:** The Prime Minister of India is the Head of the Government of India.
- **Portfolio allocation:** The Prime Minister has the authority to assign portfolios to the Ministers
- **Chairman of the Cabinet:** The Prime Minister is the chairman of the cabinet and presides the meetings of the Cabinet. He can impose his decision if there is a crucial opinion difference among the members.
- **Official Representative of the country:** Prime minister represents the country for high-level international meetings
- **The link between the President and the Cabinet:** The Prime Minister acts as the link between President and cabinet. He communicates all decisions of the Cabinet to the President which is related to the administration of the affairs of the Union and proposals for legislation
- **Head:** The Prime Minister is the head of Nuclear Command Authority, NITI Aayog, Appointments Committee of the Cabinet, Department of Atomic Energy, Department of Space and Ministry of Personnel, Public Grievances and Pensions.
- **Chief Advisor:** He acts as the chief advisor to the President
- Like Prime Minister is the head of Union Parliament, the Chief Minister is the head of state parliament. **3M**

(OR)

5.a) Explain the privileges and immunities of Parliament and its members

India has a parliamentary system of government. The Union Parliament is the supreme legislative body in the country.

- The Indian Parliament is a bicameral legislature consisting of two houses – the Lok Sabha and the Rajya Sabha. The members of the Lok Sabha (House of the People) are directly elected by the people through the voting process.
- The members of the Rajya Sabha (Council of States) are elected by the members of the states' legislative assemblies. The Parliament consists of the two Houses and the President of India. **1M**

Functions of Parliament

The functions of the Parliament are mentioned in the Indian Constitution in Chapter II of Part V. The functions of the Parliament can be classified under several heads. They are discussed below:

Legislative Functions

- The Parliament legislates on all matters mentioned in the Union List and the Concurrent List.
- In the case of the Concurrent List, where the state legislatures and the Parliament have joint jurisdiction, the union law will prevail over the states unless the state law had received the earlier presidential assent. However, the Parliament can any time, enact a law adding to, amending, varying or repealing a law made by a state legislature.
- The Parliament can also pass laws on items in the State List under the following circumstances:
 - If Emergency is in operation, or any state is placed under President's Rule (Article 356), the Parliament can enact laws on items in the State List as well.
 - As per Article 249, the Parliament can make laws on items in the State List if the Rajya Sabha passes a resolution by $\frac{2}{3}$ majority of its members present and voting, that it is necessary for the Parliament to make laws on any item enumerated in the State List, in the national interest.

As per Article 253, it can pass laws on the State List items if it is required for the implementation of international agreements or treaties with foreign powers.

According to Article 252, if the legislatures of two or more states pass a resolution to the effect that it is desirable to have a parliamentary law on any item listed in the State List, the Parliament can make laws for those states. **1M**

Executive Functions (Control over the Executive)

In the parliamentary form of government, the executive is responsible to the legislature. Hence, the Parliament exercises control over the executive by several measures.

- By a vote of no-confidence, the Parliament can remove the Cabinet (executive) out of power. It can reject a budget proposal or any other bill brought by the Cabinet. A motion of no-confidence is passed to remove a government from office.
- The MPs (Members of Parliament) can ask questions to the ministers on their omissions and commissions. Any lapses on the part of the government can be exposed in the Parliament.
- Adjournment Motion: Allowed only in the Lok Sabha, the chief objective of the adjournment motion is to draw the attention of the Parliament to any recent issue of urgent public interest. It is considered an extraordinary tool in Parliament as the normal business is affected.
- The Parliament appoints a Committee on Ministerial Assurances that sees whether the promises made by the ministers to the Parliament are fulfilled or not.
- Censure Motion: A censure motion is moved by the opposition party members in the House to strongly disapprove any policy of the government. It can be moved only in the Lok Sabha. Immediately after a censure motion is passed, the government has to seek the confidence of the House. Unlike in the case of the no-confidence motion, the Council of Ministers need not resign if the censure motion is passed.
- Cut Motion: A cut motion is used to oppose any demand in the financial bill brought by the government. **1M**

Financial Functions

Amending Powers

Electoral Functions

Judicial Functions

1M

Other powers/functions of the Parliament

- Issues of national and international importance are discussed in the Parliament. The opposition plays an important role in this regard and ensures that the country is aware of alternate viewpoints.

- A Parliament is sometimes talked of as a ‘nation in miniature’.
- In a democracy, the Parliament plays the vital function of deliberating matters of importance before laws or resolutions are passed.
- The Parliament has the power to alter, decrease or increase the boundaries of states/Uts.

The Parliament also functions as an organ of information. The ministers are bound to provide information in the Houses when demanded by the members. **1M**

b) Discuss Fundamental Rights provided by the Indian Constitution

Articles 12-35 of Indian Constitution deal with Fundamental Rights. These human rights are conferred upon the citizens of India for the Constitution tells that these rights are inviolable. Right to Life, Right to Dignity, Right to Education etc. all come under one of the six main fundamental rights. **1M**

What are the Fundamental Rights?

Fundamental rights are the basic human rights in the Constitution of India which are guaranteed to all citizens.

They are applied without discrimination on the basis of race, religion, gender, etc. Significantly, **fundamental rights are enforceable by the courts**, subject to certain conditions.

Why are they called Fundamental Rights?

These rights are called fundamental rights because of two reasons:

- 1.They are enshrined in the Constitution which guarantees them
2. They are justifiable (enforceable by courts). In case of a violation, a person can approach a court of law.

List of Fundamental Rights

- 1.Right to Equality (Article 14-18)
- 2.Right to Freedom (Article 19-22)
- 3.Right against Exploitation (Article 23-24)
- 4.Right to Freedom of Religion (Article 25-28)
- 5.Cultural and Educational Rights (Article 29-30)

6.Right to Constitutional Remedies (Article 32)

3M

Why Right to Property is not a Fundamental Right?

There was one more fundamental right in the Constitution, i.e., the right to property. However, this right was removed from the list of fundamental rights by the 44th Constitutional Amendment.

This was because this right proved to be a hindrance towards attaining the goal of socialism and redistributing wealth (property) equitably among the people. 1M

Unit -III

6.a. What is the division of powers between the central and the state?.

Division of powers between centre and states

The administrative jurisdiction of the union and the state Governments extends to the subjects in the union list and state list respectively, which clearly establishes the superiority of the Union Government in the administrative sphere as well

Financial Relations Between Centre and State

Taxes Exclusively Assigned to the Union

Income from certain subjects like customs and export duties, income tax, excise duty on tobacco, jute, cotton, etc., corporation tax, taxes on the capital value of assets of individuals and companies; Estate duty and succession duty in respect of the property and other than agricultural land. 1M

Taxes Exclusively Assigned to States

Estate duty in respect of agricultural land; income tax on agricultural lands; taxes on goods and passengers carried by road or inland water; taxes on vehicles used on roads, animals, boats, taxes on the consumption or sale of electricity, tolls, taxes on lands and buildings; taxes on professions, traders, calling and employment; duties on alcoholic liquors for human consumption. 1M

Taxes Levied by Union but Collected and Appropriated by the State

The taxes on the following items are levied by the Union Government but the actual revenue from them is collected and appropriated by the States; (i) stamp duties on bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, transfer of shares, etc.; (ii) Excise duties on medicinal toilet preparation containing alcohol or opium or Indian hemp or other narcotic drugs. 1M

Taxes Levied and Collected by the Union but assigned to States

Taxes included duties in respect of succession to property other than agricultural land; state duty in respect of property other than agricultural land terminal taxes on goods or passengers carried by railways, sea or air. **1M**

Taxes Levied and Collected by the Union but Shared

Taxes on income other than agricultural income and excise duties other than those on medicinal and toilet preparations are levied and collected by the Union Government but shared with the states on an equitable basis. The basis of distribution is determined by the Parliament through a law. **1M**

6. b. What is President's Rule? Why President's Rule is Imposed.

- The Indian President is the head of the state and he is also called the first citizen of India. **1M**
- He is a part of Union Executive, provisions of which are dealt with Article 52-78 including articles related to President (Article 52-62). **1M**
- President's rule is the suspension of state government and imposition of direct Union government rule in a state. **2M**
- Under Article 356 of the Constitution of India, if a state government is unable to function according to Constitutional provisions, the Union government can take direct control of the state machinery. **2M**

7.a. What is the Machinery of Government in the states? Explain.

The term “machinery of government” describes the processes and structures involved in government. It is derived from a machine analogy—government as machine—suggesting order, predictability. **1M**

The machinery of Government in the States is organized on the same pattern as that of the Union Government. As in the Union, the Government in the States is based on the parliamentary model. The Head of a State is called the Governor who is the constitutional head as the President is for the Union. **1M**

The machinery of government (sometimes abbreviated as MoG) is the interconnected structures and processes of government, such as the functions and accountability of departments in the executive branch of government. **1M**

At the same time they all operate according to the Constitution and laws and policies made by national Parliament. The government machinery is made up of three parts: The elected members (legislatures) – who represent the public, approve policies and laws and monitor the work of the executive and departments. **1M**

The use of machines increases productivity of labour thereby increasing production, reducing costs and making the goods cheaper. As a result, their demand increases. In order to meet this demand, more workers are employed to increase their production. **1M**

7.b. What are the functions of State judiciary?

The highest judicial court in a state is the High Court. It is termed as the second-highest in the country after the Supreme Court of India. Currently, India has 25 High Courts established in different states of the country. **1M**

High Court Jurisdiction

The High Court is the highest court of appeal in the state vested with the power to interpret the Constitution. It is the protector of the Fundamental Rights of the citizens. Besides, it has supervisory and consultative roles. However, the Constitution does not contain detailed provisions with regard to the jurisdiction and powers of a high court.

At present, the following jurisdictions are enjoyed by a High Court-

- Original jurisdiction
- Writ jurisdiction
- Appellate jurisdiction
- Supervisory jurisdiction
- Control over subordinate courts
- A court of record
- Power of judicial review

2M

The Jurisdiction of High court are as mentioned below –

- **Original Jurisdiction** – In such kind of cases the applicant can directly go to the High Court and does not require to raise an appeal. It is mostly applicable for cases related to the State Legislative Assembly, marriages, enforcement of fundamental rights and transfer cases from other courts.
- **Power of Superintendence** – It a special power enjoyed only by High Court and no other subordinate court has this power of superintendence. Under this, the High Court holds the right to order its subordinate offices and courts the way of maintaining records, prescribe rules for holding proceedings in the court and also settle the fees paid to sheriff clerks, officers and legal practitioners.

- **Court of Record** – It involves recording the judgments, proceedings and acts of high courts for perpetual memory. These records cannot be further questioned in any court. It has the power to punish for contempt of itself.
- **Control over Subordinate Courts** – This is an extension of the supervisory and appellate jurisdiction. It states that the High Court can withdraw a case pending before any subordinate court if it involves the substantial question of law. The case can be disposed of itself or solve the question of law and return back to the same court.
- **Appellate Jurisdiction** – This is for cases where people have risen a complaint about a review of the judgement given by the district level or subordinate court of that territory. This power is further divided into two categories:
 1. Civil Jurisdiction – this includes orders and judgements of the district court, civil district court and subordinate court
 2. Criminal Jurisdiction – this includes judgements and orders of the sessions court and additional sessions court.
- **Power of Judicial Review** – This power of High Court includes the power to examine the constitutionality of legislative and executive orders of both central and state government. It is to be noted that the word judicial review is nowhere mentioned in our constitution but the Article 13 and 226 explicitly provide High Court with this power.
- **Writ Jurisdiction of High Court** – Article 226 of the Constitution empowers a high court to issue writs including habeas corpus, mandamus, certiorari, prohibition, and quo warranto for the enforcement of the fundamental rights of the citizens and for any other purpose. Read in detail about the following –
 - Habeas Corpus
 - Writ of Mandamus

The phrase ‘for any other purpose’ refers to the enforcement of an ordinary legal right. The high court can issue writs to any person, authority and government not only within its territorial jurisdiction but also outside its territorial jurisdiction if the cause of action arises within its territorial jurisdiction (15th Constitutional Amendment Act of 1963).

- In the Chandra Kumar case (1997), the Supreme Court ruled that the writ jurisdiction of both the high court and the Supreme Court constitute a part of the basic structure of the Constitution. Hence, it cannot be ousted or excluded even by way of an amendment to the Constitution.
- In Shah Faesal’s Case, his case is justified because the cause of action happened in Delhi and then he was taken to outside the territory of Delhi.

High Court in India is one of the most important topics in terms of the UPSC exam and other government exams in India. Candidates can know the powers and function of a High Court, at the linked article. **2M**

Unit -IV

8).a. What are the duties and powers of Comptroller and Auditor General (CAG)?.

Comptroller and Auditor General of India is the apex authority responsible for external and internal audits of the expenses of the National and state governments. It is popularly known as the CAG of India.

Duties of CAG

Articles 149, 150 and 151 of the Constitution of India describe the functions and powers of this office.

- Article 149: Duties and Powers of the Comptroller and Auditor General: To perform accounts of the Union of India and the states and of any other bodies.
- Article 150: Form of Accounts of the Union of India and the States: To prescribe, with the approval of the President, the form in which the account of the Union and of the States are to be kept.
- Article 151: CAG Reports: To report to the President or to the Governors of the States on the accounts of the Union or State. **2M**

Powers of the Comptroller and Auditor General of India.

Article 148 of the Constitution of India establishes the authority of this office.

- The Comptroller and Auditor General is appointed by the President of India and can be removed from office only in the manner and on the grounds that a Judge of the Supreme Court is removed.
- The person appointed to this office should take an oath of office before the President
- The salary, service conditions, leaves of absence, pension, and age of retirement are determined by the Parliament of India and specified in the Second Schedule such that the service conditions and **salary will not be modified** to the disadvantage of the incumbent during their tenure
- The CAG is not eligible for any further office after the end of their tenure either in the Government of India or any State Government.

- The powers and functions of the CAG are subject to the provisions of the Indian Constitution and any Acts of Parliament, along with the service conditions for the Indian Audits and Accounts Department.
- The expenses on the administration of this office including all allowances, salaries and pensions would be charged to the Consolidated Fund of India.
- The incumbent is appointed for a period of 6 years or until attaining the age of 65 years whichever is earlier.

In order to be able to discharge duties effectively, certain privileges and powers which facilitate the process of auditing have been given to this office. The following are the major powers of the CAG of India:

- The Comptroller and Auditor General or his staff can inspect any office of the organizations which are subject to his audit.
- To enable the office to perform this function smoothly, he is endowed with full access to all the financial records including books, papers, and documents. **3M**

b). What are the advantages and disadvantages of Panchayati Raj?

Advantages:

There are many advantages of Village Panchayat as there are some basic requirements for a healthy living such as clean drinking water cleaning and lighting of roads medical facilities primary education for children roads for transport etc. Village Panchayats provide for these requirements.

The creation of the Panchayati Raj system has facilitated a decentralized decision making process which has led to the involvement of local people and has empowered the backward sections of the society. Having a local government has also relived the burden from the shoulders of the state and central governments

- A. it gives a sense of political awareness to the rural masses.
- B. it gives a parallel government to the rural areas.
- C. it serves the rural people well.
- D. it increases employment in rural areas.

2M

Disadvantages:

i) While elections are held regularly but gram sabhas, block committees and zila parishads do not hold their meetings regularly. (ii) Most of the state governments are not ready to provide powers to the local governments.

- 1.Scarcity of resources.
- 2.Lack of participation by the youth.
- 3.Interference by the political class.
- 4.The prime challenge that the institution faces is the problem of lack of finances.
- 5.There is very little devolution of authority
- 6.Lack of awareness and non-fulfillment of promises made by these bodies make village people suspicious of the utility of Panchayati Raj bodies.

3M

(OR)

9). a. What is meant by constitutional amendment? What are the different ways to amendment of constitution?

What is meant by constitutional amendment?

There are 104 amendment acts as of February 2021 that are made in the Indian Constitution over time. All these amendments have brought significant changes in the course of Indian Polity

A constitutional amendment is a modification of the constitution of a polity, organization or other type of entity. Amendments are often interwoven into the relevant sections of an existing constitution, directly altering the text.

There are three ways in which the Constitution can be amended: Amendment by simple majority of the Parliament. Amendment by special majority of the Parliament. Amendment by special majority of the Parliament and the ratification of at least half of the state legislatures.

2M

What are the different ways to amendment of constitution?

Amendments may be proposed either by the Congress, through a joint resolution passed by a two-thirds vote, or by a convention called by Congress in response to applications from two-thirds of the state legislatures. citation: Constitution of the United States of America: Analysis and Interpretation, CRS, 2002.

An amendment of the Constitution can be initiated only by the introduction of a Bill in either House of Parliament. The Bill must then be passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting.

3M

b). Define Political parties. What are the different types of political parties under Class 10?.

A political party is an organization that coordinates candidates to compete in a particular country's elections. A political party is made up of individuals who organize to win elections, operate government, and influence public policy. **1M**

Types of party organizations. Political scientists have distinguished between different types of political parties that have evolved throughout history. These include cadre parties, mass parties, catch-all parties and cartel parties.

A political party is a group of people who follow an ideology and thus come together to contest elections and hold power in the government.

Political parties oppose the government and convey the public's grievances to the government. They inform the people about the working of the ruling parties. So political parties work as a link between the public and government. They form government and run government.

Parties play a decisive role in making laws for the country. Parties form and run government . The big policy decisions are taken by political executives of the political party in power. Parties recruit leaders, train them and then make them ministers to run the government in the way they want. **4M**

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