

Hall Ticket Number:

--	--	--	--	--	--	--	--	--	--

IV/IV B.Tech (Regular/Supplementary) DEGREE EXAMINATION**November, 2022****Electrical & Electronics Engineering****Seventh Semester****Constitution Of India****Time:** Three Hours**Maximum:** 50 Marks*Answer Question No.1 compulsorily.**(10X1 = 10 Marks)**Answer ONE question from each unit.**(4X10=40 Marks)*

- | | | |
|-------|---|--------|
| 1. a) | What is citizenship? | CO1,L1 |
| b) | Who is the architect of Indian constitution? | CO1,L2 |
| c) | What is Indian union? | CO1,L2 |
| d) | When is the Republic Day celebrated? | CO2,L1 |
| e) | List the Fundamental rights of an Indian citizen? | CO2,L3 |
| f) | Name the union Territories. | CO2,L2 |
| g) | Who is the present president of India? | CO2,L1 |
| h) | Define panchayat Raj. | CO3,L2 |
| i) | Expand the term A.P.P.S.C. | CO3,L3 |
| j) | Who appoints Chief justice of supreme Court? | CO3,L2 |

Unit -I

- | | | | |
|-------|--|--------|----|
| 2. a) | What are the salient features of Indian constitution? | CO1,L2 | 5M |
| b) | How is the Indian constitution regarded to be the most comprehensive document? | CO1,L3 | 5M |

(OR)

- | | | | |
|-------|--|--------|----|
| 3. a) | What is the preamble to Indian constitution? | CO1,L2 | 5M |
| b) | Differentiate between union and its territory. | CO1,L1 | 5M |

Unit -II

- | | | | |
|-------|---|--------|----|
| 4. a) | What are the Fundamental duties of an Indian citizen? | CO2,L3 | 5M |
| b) | Fundamental rights are more important than fundamental duties. Discuss. | CO2,L2 | 5M |

(OR)

- | | | | |
|-------|--|--------|----|
| 5. a) | What is the role of the Prime Minister and the Council of Ministers. | CO2,L4 | 5M |
| b) | What are the powers of supreme court of India? | CO2,L2 | 5M |

Unit -III

- | | | | |
|-------|---|--------|----|
| 6. a) | What is the role to be played by the Governor in the state? | CO3,L2 | 5M |
| b) | Discuss the role of Judiciary. | CO3,L3 | 5M |

(OR)

- | | | | |
|-------|--|--------|----|
| 7. a) | Describe the Federal System. | CO3,L1 | 5M |
| b) | What are the provisions for Emergency? | CO3,L3 | 5M |

- | | | | |
|-------|---|--------|----|
| 8. a) | Explain the importance of local self Government? | CO4,L3 | 5M |
| b) | What are the special provisions ensured to certain classes? | CO4,L2 | 5M |

(OR)

- | | | | |
|-------|---|--------|----|
| 9. a) | When can the constitutional amendments be made? | CO4,L1 | 5M |
| b) | Discuss the role played by the controller and Auditor General of India? | CO4,L2 | 5M |



ANSWERS

1. a) What is citizenship?
A legal status and relation between an individual and a state that entails specific legal rights and duties.
- b) Who is the architect of Indian constitution?
Dr. Bhimrao Ramji Ambedkar, popularly known as Baba Saheb, *was the chief architect of the Indian Constitution.*
- c) What is Indian union?
India, a union of states, is a Sovereign, Secular, Democratic Republic with a Parliamentary system of Government. The President is the constitutional head of Executive of the Union. In the states, the Governor, as the representative of the President, is the head of Executive.
- d) When is the Republic Day celebrated?
26 January
- e) List the Fundamental rights of an Indian citizen?
Six Fundamental Rights (Articles 12 to 35)
 - Right to Equality (Articles 14 – 18) ...
 - Right to Freedom (Articles 19 – 22) ...
 - Right against Exploitation (Articles 23 – 24) ...
 - Right to Freedom of Religion (Articles 25 – 28) ...
 - Cultural and Educational Rights (Articles 29 – 30) ...
 - Right to Constitutional Remedies (32 – 35)
- f) Name the union Territories.
The 8 Union territories of India are given below:
 - Ladakh.
 - Jammu & Kashmir.
 - Puducherry.
 - Lakshadweep.
 - Delhi.
 - Chandigarh.
 - Dadra and Nagar Haveli and Daman & Diu.
 - Andaman and Nicobar Islands.
- g) Who is the present president of India?
Smt. Droupadi Murmu
- h) Define panchayat Raj.
Panchayati Raj is a form of government at the village level where each village is responsible for its own activities. The Amendment Act of 1992 contains provision for passing the powers and responsibilities to the panchayat for preparation of plans for economic development and social justice.

- i) Expand the term A.P.P.S.C.
Andhra Pradesh Public Service Commission
- j) Who appoints Chief justice of supreme Court?
The President Appointment of acting Chief Justice of supreme Court.

Unit -I

2. a) What are the salient features of Indian constitution?

5M

Salient features of Indian Constitution

Indian constitution, one of the utmost admired constitutions in the world was enacted after 'ransacking' all the known constitutions of the world at that time. This constitution that we have enacted has stood the test of times. Though provisions were borrowed from other constitutions, the constitution of India has several salient features that distinguish it from constitution of other countries

Some of its salient features are discussed below:

Longhiest written constitution

- Constitution can be classified into written constitution such as that of America or unwritten constitution such as that UK.
- The constitution of India is a written constitution which happens to be the lengthiest written constitution in the world.
- It is comprehensive, elaborate and a detailed document
- The factors that have contributed to this phenomenon are: geographical factors (vastness of country and diversity), Historical factors (Influence of GoI, 1935), Single constitution for both centre and state and dominance of legal luminaries

Drawn from various sources

- It has borrowed most of its provisions from the constitution of various other countries as well as from the Government of India act, 1935. Ex: structural part from GoI, 1935, independence of judiciary from USA, Fundamental Rights from USA etc
- Though it is borrowed, the Indian constitution-makers made sure the borrowed features were made suitable to Indian conditions. **Ex:** Though we borrowed cabinet form of governance from UK, the cabinet is not all-supreme as in the case of UK.

Preamble of the constitution

- The Preamble consists of the ideals, objectives and basic principles of the Constitution.
- The salient features of the Constitution have developed directly and indirectly from these objectives which flow from the Preamble
- It asserts India to be a Sovereign Socialist Secular Democratic Republic and a welfare state committed to secure justice, liberty and equality for the people and for promoting fraternity, dignity the individual, and unity and integrity of the nation.
- The Preamble is the nature of Indian state and the objectives it is committed to secure for the people.

Democratic system

- The authority of the government rests upon the sovereignty of the people. The people enjoy equal political rights.
- Free fair and regular elections are held for electing governments

India is a republic

- The Preamble declares India to be a Republic.
- India is not ruled by a monarch or a nominated head of state. India has an elected head of state (President of India) who wields power for a fixed term of 5 years.
- After every 5 years, the people of India indirectly elect their President.

Union of states

- Article I of the Constitution declares, that “India that is Bharat is a Union of States.”

Fundamental Rights and duties:

- The Constitution of India grants and guarantees Fundamental Rights to its citizens.
- The constitution of India confirms the basic principle that every individual is permitted to enjoy certain basic rights and part III of the Constitution deals with those rights which are known as fundamental right.
- The Six FR include- Right to Equality; Right to Freedom; Right Against Exploitation; Right to Freedom of Religion; Cultural and Educational Rights and Right to Constitutional Remedies (Art. 32).
- The fundamental rights are justiciable and are not absolute. Reasonable constraints can be imposed keeping in view the security-requirements of the state.
- A new part IV (A) after the Directive Principles of State Policy was combined in the constitution by the 42nd Amendment, 1976 for fundamental duties.

Directive Principles of State Policy:

- A unique aspect of the Constitution is that it comprises of a chapter in the Directive Principles of State Policy.
- These principles are in the nature of directives to the government to implement them to maintain social and economic democracy in the country.

Parliamentary System:

- The Constituent Assembly decided to espouse Parliamentary form of government both for the Centre and the states.
- In Indian parliamentary system, distinction is made between nominal and real executive head.
- The Council of Ministers is responsible before the Lok Sabha, The lower house of union parliament. There are close relations between executive and legislature.

Federal structure of government:

- A federal state is a state where a country is divided into smaller regions and the government is functioning at two levels
- The Indian Constitution has envisaged a federal structure for India considering the geographical vastness and the diversity of languages, region, religions, castes, etc.
- Written Constitution, supremacy of the Constitution, division of powers between Union and States, bicameral Legislature, independent Judiciary, etc. are the features of Indian federation.
- Scholars describe India as a 'Quasi-Federation' (K.C. Wheare) or as 'a federation with a unitary bias, or even as 'a Unitarian federation.'

Universal adult franchise

- All men and women enjoy an equal right to vote. Each adult man and woman above the age of 18 years has the right to vote.
- All registered voters get the opportunity to vote in elections.

Single integrated State with Single Citizenship:

- India is the single Independent and Sovereign integrated state.
- All citizens enjoy a common uniform citizenship.
- They are entitled to equal rights and freedoms, and equal protection of the state.

Integrated Judicial system

- The Constitution provides for a single integrated judicial system common for the Union and the states.
- The Supreme Court of India works at the apex level, High Courts at the state level and other courts work under the High Courts.

Independent Judiciary

- It is necessary to secure the philosophical foundations of the rule of law and democracy
- Firstly, the Constitution makers created a separate Judiciary independent of Legislature and Executive.
- Secondly, the Constitution has ensured complete independence of Judiciary in the matters of administration and finances.

Amending the Constitution of India:

- Amending the Constitution of India is the procedure of making modifications to the nation's fundamental law or supreme law.
- The procedure of amendment in the constitution is laid down in Part XX (Article 368) of the Constitution of India.
- This procedure guarantees the sanctity of the Constitution of India and keeps a check on uninformed power of the Parliament of India.

Judicial Review:

- The judiciary has significant position in Indian Constitution and it is also made independent of the legislature and the executive.
- The Supreme Court of India stands at the peak of single integrated judicial system
- It operates as defender of fundamental rights of Indian citizens and guardian of the Constitution.

Basic Structure doctrine:

- The basic structure doctrine is an Indian judicial norm that the Constitution of India has certain basic features that cannot be changed or destroyed through amendments by the parliament.
- The basic features of the Constitution have not been openly defined by the Judiciary.
- At least, 20 features have been described as “basic” or “essential” by the Courts in numerous cases, and have been incorporated in the basic structure.
- In Indira Gandhi v. Raj Narayan case and also in the Minerva Mills case, it was witnessed that the claim of any particular feature of the Constitution to be a “basic” feature would be determined by the Court in each case that comes before it.

Secularism

- In no other country of the world so many religions co-exist as in India. In view of such diversity the Constitution guarantees complete freedom of religion to all.
- The citizens of our country are free to follow any religion and they enjoy equal rights without any distinction of caste, creed, religion or sex.
- The State does not discriminate against anyone on the ground of his religion, nor can the State compel anybody to pay taxes for the support of any particular religion.
- Everybody is equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.
- The Constitution regards religion as a private affair of individuals and prohibits the State from interfering with it. The Constitution also grants various cultural rights to minorities.

Independent bodies

- Constitution has setup various independent bodies and vested them with powers to ensure the constitutional provisions. Ex: Election Commission, CAG, Finance Commission
- These institutions have been provided with security of tenure, fixed service conditions etc to ensure that they are not susceptible to the whims of either the legislature or the executive.

Emergency provisions

- Indian constitution contains elaborate provisions to deal with those challenges that pose a threat to the country's security and unity (It will be discussed in detail in upcoming chapters)

Three-tier government

- Through 73rd and 74th amendment act, we have rural and urban local bodies as an additional constitutional tier of the government structure.
- This section fulfills the dream of Gandhi ji to see a self-functioning villages in India

b) How is the Indian constitution regarded to be the most comprehensive document?

5M

The Indian Constitution, the longest of any sovereign nation in the world, provides a comprehensive framework to guide and govern the country, keeping in view her social, cultural and religious diversity.

A distinctive document with many extraordinary features, the Constitution of India is the longest written constitution of any sovereign nation in the world. The original text of the Constitution contained 395 articles in 22 parts and eight schedules. It came into effect on January 26, 1950, the day that India celebrates each year as the Republic Day. The number of articles has since increased to 448 due to 100 amendments.

The Constitution was framed by the Constituent Assembly of India, established by the members of the provincial assemblies elected by the people of India. Dr Sachidanand Sinha was the first president of the Constituent Assembly. Later, Dr Rajendra Prasad was elected its president. Dr BR Ambedkar, the chairman of its Drafting Committee, is considered the chief architect of the Indian Constitution which provides a comprehensive and dynamic framework to guide and govern the country, keeping in view her unique social, cultural and religious diversity.

It establishes the main organs – executive, legislature and judiciary, defining their powers, demarcating their responsibilities and regulating the inter-se relationship. It inter alia lays down the basic structure of governance and the relationship between the government and the people. The rights and duties of citizens are also spelt out. The Constitution applies to the state of Jammu and Kashmir with certain exceptions and modifications as provided in Article 370 and the Constitution (application to Jammu and Kashmir) Order, 1954. It is the mother of all other laws of the country. Every law enacted by the Government has to be in conformity with the Constitution.

The preamble to the Constitution declares India to be a Sovereign Socialist Secular Democratic Republic and a welfare state committed to secure justice, liberty and equality for the people and for promoting fraternity, dignity of the individual and unity and integrity of the nation. The objectives specified in the preamble constitute the basic structure of the Indian Constitution which cannot be amended.

Although Article 1 of the Constitution says India shall be a Union of States, the Constitution provides for a federal structure with clear division of powers between the Centre and the states, each empowered by the Constitution to enact and legislate within their sphere of activity. The seventh schedule contains three legislative lists which enumerate subjects of administration viz union, state and concurrent legislative lists. The Central Government enjoys exclusive power to legislate on the subjects mentioned in the Union list.

The state governments have full authority to legislate on the subjects of the state list. And both the Centre and the state can legislate on the subjects mentioned in the concurrent list with the residuary powers vested in the Central Government. It can be said that India has cooperative federalism. The Constitution provides for the Parliamentary form of Government with a bicameral legislature at the Centre consisting of Lok Sabha (Lower House of Parliament) and Rajya Sabha (Upper House of Parliament).

While the Lok Sabha consists of the elected representatives of people, the Rajya Sabha consists of representatives elected by the state legislative assemblies. The President is the nominal head of the state and the Parliament. In actual practice, the Prime Minister, aided by the Council of Ministers, heads the executive and is responsible for governance.

An impartial judiciary, independent of the legislature and the executive, is one of the main features of the Constitution. The Supreme Court of India is the highest court of the country and acts as guardian of the Constitution and serves as the final court of appeal. Each state has a High Court as its highest court. Under powers of judicial review, the Supreme Court and High Court can declare a law as unconstitutional or ultra vires if it contravenes any provisions of the Constitution.

This power of judicial review constitutes a middle path between the American judicial supremacy on one hand and British Parliamentary supremacy on the other. In order to ensure the impartiality of the judiciary, the judges are appointed by a process free of influence of the executive. The judges can only be removed by a rigorous process of impeachment to be approved by both the houses of the Parliament.

The Constitution vests many fundamental rights in citizens. These are (i) Right to Equality, (ii) Right to Freedom, (iii) Right against Exploitation, (iv) Right to Freedom of Religion, v) Cultural and Educational Rights and vi) Right to Constitutional Remedies. These rights are justiciable and an individual can move the Supreme Court or the High Courts if there is an encroachment on any of these rights. However, Fundamental Rights in India are not absolute. Reasonable restrictions can be imposed. By 42nd Amendment in 1976, fundamental duties were added in the Constitution to remind people that while enjoying their right as citizens, they should perform their duties for rights and duties are correlative.

Another novel feature of the Constitution is that it contains a chapter on the directive principles of state policy, that are in the nature of directives to the Government to implement them for establishing social and economic democracy in the country. Though not justiciable, these principles are considered fundamental in the governance of the country.

One of the strengths of the Constitution is that it is a dynamic instrument that can evolve with time either by its interpretation or amendment. On paper, an amendment to the Constitution is a difficult affair, and normally needs, at least, two-thirds of the Lok Sabha and Rajya Sabha to pass it. However, the Constitution of India is one of the most frequently amended constitutions in the world so as not to stand in the way of the growth and development of the nation and her people.

The success of the Indian Constitution, for a country as diverse and complex as India, continues to intrigue, impress and inspire experts around the world.

(OR)

3. a) **What is the preamble to Indian constitution?**

5M

The preamble is based on the Objectives Resolution, which was drafted and moved in the Constituent Assembly by Jawaharlal Nehru on 13 December 1946 accepted on 22 January 1947 and adopted by the Constituent Assembly on 26 November 1949, coming into force on 26 January 1950. Dr. B. R. Ambedkar said about the preamble:

It was, indeed, a way of life, which recognizes liberty, equality, and fraternity as the principles of life and which cannot be divorced from each other: Liberty cannot be divorced from equality; equality cannot be divorced from liberty. Nor can liberty and equality be divorced from fraternity. Without equality, liberty would produce the supremacy of the few over the many. Equality without liberty would kill individual initiative. Without fraternity, liberty and equality could not become a natural course of things.

Sovereign

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.

Sovereignty, in short, means the independent authority of a state. It has two aspects- external and internal. External sovereignty or sovereignty in international law means the independence of a state of the will of other states, in her conduct with other states in the committee of nations. Sovereign in its relation between states and among states signifies independence. The external sovereignty of India means that it can acquire foreign territory and also cede any part of the Indian territory, subject to limitations (if any) imposed by the constitution. On the other hand, internal sovereignty refers to the relationship between the states and the individuals within its territory. Internal sovereignty relates to internal and domestic affairs, and is divided into four organs, namely, the executive, the legislature, the judiciary and the administrative. Though India became a sovereign country on 26 January 1950, having equal status with the other members of the international community, she decided to remain in the Commonwealth of Nations. Pandit Nehru declared that India will continue – "her full membership of the Commonwealth games of Nations and her acceptance of the King as the symbol of the free association of the independent nations and as such the Head of the Commonwealth". Her membership of the Commonwealth of Nations and that of the United Nations Organization do not affect her sovereignty to any extent. It is merely voluntary association of India and it is open to India to cut off this association at her will, and that it has no constitutional significance.

Socialist

Before the term was added by the 42nd Amendment in 1976, the Constitution had socialist content in the form of certain Directive Principles of State Policy. The term socialist used here refers to democratic socialism, i.e. achievement of socialist goals through democratic, evolutionary and non-violent means. Essentially, it means that (since wealth is generated socially) wealth should be shared equally by society through distributive justice, not concentrated in the hands of few, and that the government should regulate the ownership of land and industry to reduce socio-economic inequalities.

Secular

Secular means that the relationship between the government and religious groups are determined according to constitution and law. It separates the power of the state and religion. By the 42nd Amendment on December 18, 1976, the term "Secular" was also incorporated in the Preamble. There is no difference of religion *i.e.* Hinduism, Buddhism, Jainism, Sikhism, Christianity and Islam are equally respected and moreover, there is no state religion. All the citizens of India are allowed to profess, practice and propagate their religions. Explaining the meaning of secularism as adopted by India, Alexander Owics has written, "Secularism is a part of the basic structure of the Indian Constitution and it means equal freedom and respect for all religions.

The people of India elect their governments by a system of universal adult franchise, popularly known as "one person one vote". This representative form of government is suitable for governing the country because of its huge and diverse population. Every citizen of India 18 years of age or older and not otherwise debarred by law is entitled to vote. In case of Mohan Lal Tripathi vs District Magistrate, the term "Democracy" was discussed and it was held that.

The word *democratic* refers not only to political democracy but also to social and economic democracy. The main reason to incorporate democracy is to provide freedom to the people to choose their own representative and to save them from tyrant rulers.

Republic

In a republican form of government, the head of state is elected and not a hereditary monarch. Thus, this word denotes a government where no one holds public power as a proprietary right. As opposed to a monarchy, in which the head of state is appointed on a hereditary basis for life or until abdication, a democratic republic is an entity in which the head of state is elected, directly or indirectly, for a fixed tenure. Thus, India has a president who is indirectly elected and has a fixed term of office. There's an absence of a privileged class and all public offices are open to every citizen without discrimination.

b) Differentiate between union and its territory.

Part I of Indian Constitution is titled The Union and its Territory. It includes articles from 1- 4. Part I is a compilation of laws pertaining to the constitution of India as a country and the union of states that it is made of. This part of the constitution contains the law in the establishment, renaming,

CO1,L1 5M

merging or altering the borders of the states. Articles under Part I were invoked when West Bengal was renamed, and for formation of relatively new states such as Jharkhand, Chhattisgarh or Telangana.

Article 1 to 4 in Part-I of the Constitution deals with the Union and its Territory.

There is a general opinion regarding the term 'union of States' implies that India as a unitary form of government. But the following explanation by Dr. Bhimrao Ambedkar while moving the Drafted constitution in 1948 dispelled such interpretation. He elaborated & defined the importance of the use of the expression "Union instead of the expression" federation as mentioned below.

- a) Though the country and the people may be divided into different states for the convenience of administrative activities, but the country is one integral whole.
- b) The term "India is a Union of State" was chosen as India was already a Union at the time of the constituent Assembly debates.

Thus it implies that the Indian federation is not the result of an agreement among the states and the states have got no rights to secede from the federation. The federation of a Union because it is indestructible.

Article 1: (*) classifies the territory of India into three categories i.e.:

- 1) Territories of the States
- 2) Union Territories
- 3) Territories that may be acquired by the government of India at any time by purchase, treaty, cession, conquest or any other method.

The names of states and union territories and their territorial extent are mentioned in the first schedule of the constitution. It says, India is a Union of 28 states & 7 centrally administrated Union Territories. The provision of the constitution pertaining to the state are applicable to all the states (except Jammu and Kashmir) in the same manner. However the special provisions applicable to the states of Maharashtra, Gujarat, Nagaland, Assam, Manipur, Andhra Pradesh and Goa override the general provision relating to the states as a class. Furthermore, the fifth and sixth schedule areas and tribal areas within the states.

Difference between terms "Union" and "Territory":
With reference to the government in India, the two terms namely "Union of India" and "Territory of India" have specific meanings. While the former stands for the states that share federal powers with the Union Governments, the latter include not only the states but all other units like the Union Territories also or, in other words, the territory of India includes a larger area as compared to the union of India. i.e. the territory of India covers the entire territory over which Indian sovereignty is exercised while Union of India covers only the federal system.

Article 2: Grants two powers to the Parliament namely:

- 1) The power to admit into the Union of India new states; and
- 2) The power to establish new states

Broadly, the first refers to the admission of states which are already in existence while the second refers to the establishment of states which are not in existence before. The latest addition was that of the state of Sikkim by the 35th and 36th Constitutional Amendments in 1974 and 1975. This was done at the request of the Sikkim Assembly and after the approval of the people of Sikkim through a referendum.

Article 3: Authorities the Parliament to:

- a) Form a new state by separation of territory from any state or by uniting two or more states to parts of states or by uniting any territory to a part of any state.
- b) Increase the area of any state.
- c) Diminish the area of any state.
- d) Alter the boundaries of any state.
- e) Alter the name of any state.

Several conditions with reference to Article 3:

- a) A bill contemplating the above changes can be introduced in the Parliament only with the recommendation of the President.
- b) Before recommending the bill, the President has to refer the same to the state legislature concerned for expression its views within the specified period which is fixed by him & is extendable also.
- (*) The President or Parliament is not bound by the views of the state legislature and may either accept or reject them even if the views are received on time.
- (*) Also it is not necessary to make a fresh reference to the state legislature every time on amendment to the bill is moved and accepted in Parliament.
- (*) In the case of a Union Territory, no reference needs to be made to the concern legislature for its views and the Parliament can itself take the action as it deems fit.
- (*) The said process is initiated by the Union Government and the role of the affected state is only to express its opinion which is not binding in the Union Government. Parliament needs to pass the Bill only by a simple majority. The council of state (Rajya Sabha) does not have any special power in this regard.

Article 4

Clarifies that the laws for admission or establishment of new states and alteration of names, areas, boundaries etc. of the existing states under Article 2 & 3 are not to be considered as amendments of the constitution under Article 368 i.e. these can be passed without resorting to any special procedure & by simple majority.

Unit -II

4. a) What are the Fundamental duties of an Indian citizen?

5M

The fundamental duties noted in the constitution are as follows:

It shall be the duty of every citizen of India —

1. To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
2. To cherish and follow the noble ideals which inspired our national struggle for freedom;
3. To uphold and protect the sovereignty, unity, and integrity of India;
4. To defend the country and render national service when called upon to do so;
5. To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic, and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
6. To value and preserve the rich heritage of our composite culture;

7. To protect and improve the natural environment including forests, lakes,
8. rivers, wildlife and to have compassion for living creatures;
9. To develop the scientific temper, humanism, and the spirit of inquiry and reform;
10. To safeguard public property and to abjure violence;
11. To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement;
12. Who is a parent or guardian, to provide opportunities for education to his child, or as the case may be, ward between the age of six to fourteen years

b) **Fundamental rights are more important than fundamental duties. Discuss.?**

5M

Fundamental rights are always planned to protect the dignity of the individual and create situations that can help every human being to develop his personality to the fullest extent. They interlace a guaranteed pattern on the basic structure of human rights. It imposes negative obligations on the state, not on encroaching on individual liberty in its various dimensions. They are most essential for the attainment by the individual of his full intellectual, moral and spiritual status.

The object of the inclusion of them in the constitution is to establish a government of law and not of man. Fundamental Rights protect the liberties and freedom of the citizens against any invasion by the state, and prevent the establishment of authoritarian and dictatorial rule in the country. They are very essential for the all-around development of individuals and the country.

Fundamental rights are essentially human rights but are regulated by the Constitution in India. They integrate him with the society and at the same time as they incorporate educational value also, a citizen is able to understand the importance of all the members of the society. The Constitution also provides for enforcement of these rights hence they have legal value also which empower a citizen to protect, respect and fulfil the rule of law. They uphold the equality of all individuals, the dignity of the individual and the nation's unity.

It can be very clear from the points below:-

1. Rule of Law: These rights are a protection for the citizens against the government and are necessary for having the rule of law and not of a government or a person. Since it is explicitly given by the constitution to the people, these rights dare not be transgressed by the authority. The govt. is fully answerable to the courts and is fully required to uphold these rights.

2. First fruits of the freedom struggle: After living in subjugation for such a long time, people had forgotten what freedom meant by freedom. These rights give people hope and belief that there is no stopping their growth. They are free from the whims of the rulers. In that sense, they are first fruits of the long freedom struggle and bring a sense of satisfaction and fulfilment.

3. Quantification of Freedom: Every Indian citizen is free to practice a religion of his choice, but that is not so in the Gulf countries. Our right to speech and expression allows us to freely criticize the govt. but this is not so in China.

I) Right to Equality

ii) Right to Freedom

iii) Right against Exploitation

iv) Right to Freedom of religion

v) Cultural and Educational Rights

vi) Right to Property

vii) Right to Constitutional Remedy

(OR)

5. a) **What is the role of the Prime Minister and the Council of Ministers.**

5M

Prime Minister

He is the head of government or the real executive in the Indian system. President appoints the prime minister however no system of appointment is given in the constitution. However, by convention of a parliamentary democracy the leader of the largest party of parliament becomes the PM.

The president can exercise discretion when no party has clear majority. He appoints a person and asks him to prove his majority in the house. If the PM dies and no successor is in sight then again, the president can appoint a suitable person at his discretion as caretaker for continuity. However, if the winning party has a candidate then the president has no choice.

To be a PM a person need not be an MP but he has to become one within 6 months of being appointed or else his appointment become void.

Though the PM occupies his post during the pleasure of the president he can't be removed till he commands the majority in the house.

As per the Govt of India (Allocation of business) Rules created by the president, different departments were created to handle governments business. Ministers and subject distribution were done to each ministry by the president on advice of the prime minister.

1. As head of the council of ministers he recommends people to be appointed as ministers to the president.
2. He allocates and reshuffles portfolios amongst them. He can ask the minister to resign or tell the president to dismiss him.
3. He supervises activities of all ministers. His resignation or death leads to dissolution of the council of ministers.
4. He communicates to the president all matters related to administration of the union and proposed legislations.
5. He furnishes information required by the president relating to administration of the union or proposed legislations.
6. He submits to the consideration of the council of ministers any matter on which decision has been taken by an individual minister but the Council of Ministers hasn't considered it.

7. He is the leader of the lower house. He can advise president to summon or prorogue the house sessions. He can advise dissolution of Lok Sabha to the president anytime. He announces government policies on the floor of the house.

Council of Ministers

The PM + Council of ministers are the real executives of the union.

They aid and advice the president in the exercise of his functions but such advice is binding on the president.

No court shall inquire into the advice given by the Council of ministers to the President which means they are liable for official acts of the president done on their advice. Constitution however doesn't grant any immunity either for personal or official acts hence ministers can be treated like ordinary citizens.

The total strength of the PM + Council of ministers shall not exceed 15% of the strength of the Lok Sabha [91st amendment]. The person who has been disqualified on grounds of defection shall also be disqualified to be appointed as the PM [91st amendment].

Council of ministers is collectively responsible to the Lok Sabha. A minister who isn't a MP for six consecutive months shall cease to be the minister. A minister can take part in proceeding of both houses as he is member of the government but can vote only in the house of which he's a member.

Collective responsibility: This means that entire Council of ministers is a team that sinks or swims together. So, if the Lok Sabha passes a no confidence motion against the Council of ministers then all have to resign. Only the Lok Sabha can pass the motion of no confidence; it can't be against a single minister but the entire Council of ministers only.

This is due to the provision in the constitution saying:

*"Council of ministers is **collectively** responsible to the **Lok Sabha**."*

There are three categories of ministers in the council:

- ☐ Cabinet: They attend cabinet meetings and play important role in central government.
- ☐ Minister of state: They can be independent in charge of department that aren't attached to cabinet ministries or in charge of specific department part of a ministry /specific work in a ministry which is headed by a cabinet minister.
- ☐ Deputy Minister: They are attached to cabinet ministers or ministers of state and assist them in their work.

The last two categories don't form part of cabinet meetings. Cabinet isn't

mentioned in the original text of the constitution but only in 44th amendment it was inserted in article 352.

Cabinet ministers are also part of cabinet committees which are created to sort out issue or make policy recommendations to the cabinet.

b) **What are the powers of supreme court of India?**

5M

The Supreme Court has the following powers that are jurisdiction:

A) Original Jurisdiction: The following are the original jurisdiction of the SC:

I) As per article 131 of the Constitution, the SC functions as original jurisdiction over matters where the disputes are either between the Central government and the state government or between two or more state governments.

II) As per article 139 of the Constitution, the SC have the power to issue writs, order, or direction.

III) As per section 32 of the Constitution, the SC also has the authority to enforce Fundamental Rights.

IV) As per Article 139A of the Constitution, the SC on its discretion or at the advice of the Attorney General of India can take up the cases during the pendency of the matter from the high courts if the same issue is to be disposed of by the SC that is related to the question of law. And it can also transfer the pending cases, appeal or other proceedings to give justice from one HC to another HC.

B) Appellate Jurisdiction: As per article 132, 133, 134 of the Constitution, the SC has appellate jurisdiction in matters that are related to civil, criminal, or Constitution. Also, as per article 136, the SC has the power to issue special leave that is being by any tribunal courts in India but this does not apply to Army courts.

C) Advisory Jurisdiction: As per article 143 of the Constitution, the SC can advise the President of India that is related to the question of law, and the nature of the matter is associated with the public importance. And the President can also seek opinion in the matters that are related to Article 131 of the Constitution.

D) Review Jurisdiction: As per article 137 of the Constitution, the SC has the power to review any laws that are being passed by the legislature.

Conclusion

The Supreme Court is the highest appealing body in our jurisdiction. With its establishment, justice is being proclaimed by the citizens of India. The powers that are vested upon the SC are to ensure the fair trial in matters that are about the Constitution of India; hence it also protects the world's largest democratic state.

Unit -III

6. a) **What is the role to be played by the Governor in the state?**

5M

The governors of the states of India have similar powers and functions at the state level as those of the president of India at the central level. Governors exist in the states, while lieutenant governors exist in union territories including the National

Capital Territory (NCT) of Delhi. The governor acts as the nominal head whereas the real power lies with the chief ministers of the states and his or her councils of ministers. Although, in union territories, the real power lies with the lieutenant governor or administrator, except in the NCT of Delhi and Puducherry, where the governor shares power with a council of ministers headed by a chief minister. Few or no governors are local to the state that they are appointed.

In India, a lieutenant governor is leader of a union territory. However, the rank is present only in the union territories of Andaman and Nicobar Islands, Ladakh, Jammu and Kashmir, Delhi and Puducherry (the other territories have an administrator appointed, who is usually a politician of the ruling party in the Government of India). However, the governor of Punjab serves as the administrator of Chandigarh. Lieutenant governors do not hold the same rank as a governor of a state in the list of precedence.

The governors and lieutenant governors are appointed by the president for a term of five years.

The primary function of the governor is to preserve, protect and defend the constitution and the law as incorporated in their oath of office under Article 159 of the Indian constitution in the administration of the state affairs. All the governor's actions, recommendations and supervisory powers (Article 167c, Article 200, Article 213, Article 355, etc.) over the executive and legislative entities of a state shall be used to implement the provisions of the Constitution.

In this respect, the governor has many different types of powers:

- **Executive powers** related to administration, appointments and removals,
- **Legislative powers** related to law making and the state legislature, that is State Legislative Assembly (Vidhan Sabha) or State Legislative Council (Vidhan Parishad),
- **Discretionary powers** to be carried out according to the discretion of the governor. The governors of India have similar powers and functions of the state level as those of the president of India at central level.

Executive powers

The Constitution vests in the governor all the executive powers of the state government. The governor appoints the chief minister, who enjoys the support of the majority in the State Legislative Assembly. The governor also appoints the other members of the Council of Ministers and distributes portfolios to them on the advice of the chief minister.

The Council of Ministers remain in power during the 'pleasure' of the governor, but in the real sense it means the pleasure of obtaining majority in the Legislative Assembly. As long as the majority in the State Legislative Assembly supports the government, the Council of Ministers cannot be dismissed.

The governor appoints the chief minister of a state, the advocate general and the chairman and members of the State Public Service Commission. Apart from this, the state election commissioner is also appointed by the governor (though removed by the president). The president consults the governor in the appointment

of judges of the High Courts and the governor appoints the judges of the district courts. All administrations are carried on the governor's name, and they also have the power to appoint staff for their tenure in class one and class four as per the constitution of India.

Legislative powers

The state head summons the sessions of both houses of the state legislature and prorogues them. The governor can even dissolve the state legislative assembly. These powers are formal and the governor's use of these powers must comply with the advice of the Council of Ministers headed by the chief minister.

The governor inaugurates (to dedicate) the state legislature by addressing it after the assembly elections and also at the beginning of the first session every year. The governor's address on these occasions generally outlines new policies of the state government. A bill that the state legislature has passed, can become a law only after the governor gives assent. The governor can return a bill to the state legislature, if it is not a money bill, for reconsideration. However, if the state legislature sends it back to the governor for the second time, the governor must

Tamil Nadu, for example, resent its NEET Exemption Bill to its governor for the first and only time ever, in 2022, since the state's formation in 1950.^[3] The governor also has the power to reserve certain bills for the president.

When the state legislature is not in session and the governor considers it necessary to have a law, then the governor can promulgate ordinances. These ordinances are submitted to the state legislature at its next session. They remain valid for no more than six weeks from the date the state legislature is reconvened unless approved by it earlier. ^[1]

Governor is empowered under Article 192 to disqualify a member of a House of the State legislature when the election commission recommends that the legislator is no longer complying with provisions of Article 191.

Per Articles 165 and 177, the governor can ask the advocate general to attend the proceedings of both houses of the state legislature and report to them any unlawful functioning if any.

Financial powers

The governor causes to be laid before the state legislature the annual financial statement which is the state budget. Further no demand for grant shall be made except on the governor's recommendation. They can also make advances out of the contingency fund of the state to meet any unforeseen expenditure. Moreover, the governor constitutes the Finance Commission of the state.

Discretionary powers

The governor can use these powers are :

- When no party gets a clear majority, the governor has discretion to choose a candidate for chief minister who will put together a majority coalition as soon as possible.

- They can impose president's rule.
- They submit reports on their own to the president or on the direction of the president regarding the affairs of the state.
- They can withhold their assent to a bill and send it to the president for approval.
- During emergency rule per Article 353, the governor can override the advice of the council of ministers if specifically permitted by the president.

b) Discuss the role of Judiciary.

5M

Role of Judiciary

The Supreme Court of India is the highest authority of the judiciary. But, first of all, we need to understand the role of the judiciary system. Courts in India are responsible for handling and passing decisions on multiple issues- how a school should treat the students, or if two states can share each other's resources etc.

The Courts also have the right to punish people for the crimes they commit. Almost every social situation which needs a rule is managed by the judiciary, like-

- *Dispute Resolution:* Whenever there is a dispute, the courts intervene in providing solutions. Whether it's a dispute between citizens, citizens, and government, or between two state governments or even the central and state governments, the court is responsible for dispute resolution.
- *Judicial Review:* The judiciary has the final hold on the Constitution of India. As such, if there is any violation of the fundamentals of the constitution, the court can even overwrite laws passed by the Parliament. This process is called Judicial Review.
- *Upholding the Law and Enforcing Fundamental Rights:* Almost all Fundamental Rights of Indian citizens are defined in our constitution. In case, any citizen feels that any of such rights are violated, they can approach their local high courts or the Supreme Court.

(OR)

7. a) **Describe the Federal System.**

5M

Federal systems

In federal systems, political authority is divided between two autonomous sets of governments, one national and the other subnational, both of which operate directly upon the people. Usually a constitutional division of power is established between the national government, which exercises authority over the whole national territory, and provincial governments that exercise independent authority within their own territories. Of the eight largest countries in the world by area, seven—Russia, Canada, the United States, Brazil, Australia, India, and Argentina—are organized on a federal basis. (China, the third largest, is a unitary state.) Federal countries also include Austria, Belgium, Ethiopia, Germany, Malaysia, Mexico, Nigeria, Pakistan, Switzerland, the United Arab Emirates, and Venezuela, among others.

The governmental structures and political processes found in these federal systems show great variety. One may distinguish, first, a number of systems in which federal arrangements reflect rather clear-cut cultural divisions. A classic

case of this type is Switzerland, where the people speak four different languages—German, French, Italian, and Romansh—and the federal system unites 26 historically and culturally different entities, known as cantons and demi cantons. The Swiss constitution of 1848, as modified in 1874, converted into the modern federal state a confederation originally formed in the 13th century by the three forest cantons of Uri, Schwyz, and Unterwalden. The principal agencies of federal government are a bicameral legislature, composed of a National Council representing the people directly and a Council of States representing the constituent members as entities; an executive branch (Bundesrat) elected by both houses of the legislature in joint session; and a supreme court that renders decisions on matters affecting cantonal and federal relations.

The Russian Federation's arrangements, although of a markedly different kind, also reflect the cultural and linguistic diversity of the country. Depending on their size and on the territories, they have historically occupied, ethnic minorities may have their own autonomous republic, region, or district.

the Golden Horde, and others resisted occupation even late in the 19th century. It is not uncommon for Russians to constitute a plurality of the population in these areas. The national government consists of the executive branch, led by the nationally elected president; the parliament; and a judicial branch that resolves constitutional matters.

In other systems, federal arrangements are found in conjunction with a large measure of cultural homogeneity. The Constitution of the United States delegates to the federal government certain activities that concern the whole people, such as the conduct of foreign relations and war and the regulation of interstate commerce and foreign trade; certain other functions are shared between the federal government and the states; and the remainder are reserved for the states. Although these arrangements require two separate bodies of political officers, two judicial systems, and two systems of taxation, they also allow extensive interaction between the federal government and the states. Thus, the election of Congress and the president, the process of amending the Constitution, the levying of taxes, and innumerable other functions necessitate cooperation between the two levels of government and bring them into a tightly interlocking relationship.

b) **What are the provisions for Emergency?**

5M

Emergency Provisions

A state of emergency in India refers to a period of governance that can be proclaimed by the **President of India** during certain crisis situations. Under the advice of the cabinet of ministers, the President can overrule many provisions of the Constitution, which guarantees **Fundamental Rights** to the citizens of India.

- The emergency provisions are contained in **Part XVIII** of the Constitution of India, from **Article 352 to 360**. These provisions enable the Central government to meet any abnormal situation effectively.
- The rationality behind the incorporation is to safeguard the sovereignty, unity, integrity and security of the country, the democratic political system and the Constitution.
- The Constitution stipulates three types of emergencies-
 1. National Emergency

2. Constitutional Emergency
3. Financial Emergency

Emergency in the Indian Constitution can be differentiated as National Emergencies, State Emergencies, and Financial Emergencies. Part XVIII of the Constitution contains the emergency provisions in India.

- **Article 352 demarcates the National Emergency:** According to Article 352, the President may declare an emergency when the region is under a state of attack, external intrusion, or internal rebellion. Though such a declaration could only be made in the presence of the legislative house and further supported by each chamber, the emergency was withdrawn after a month of announcement.

The first emergency in the Nation was declared during the war with China, which lasted between 1962 and 1968. After that, the most contentious emergency was declared due to internal conflict by Smt. Indira Gandhi.

- **State Emergency has been included in Article 356:** Article 356 marks out that the President can declare a state emergency on receipt of briefs by the Governor of a particular state or by the President's observation on degrading mechanisms of the state. Thirty-five instances of President rule have been recorded under the rule of Smt. Indira Gandhi.
- **Financial Emergencies are in Article 360:** The [President](#) can declare financial emergencies if convincing evidence of an unstable economy and credibility is encountered. Executive and legislative factors play a central role in declaring a financial emergency. According to Article 360, a corresponding proclamation will be withheld during the entire emergency period. Financial emergency has never been declared in India.

Unit -IV

8. a) Expellant the importance of local self-Government?

5M

In India, the realization of the importance of local bodies leads to two major constitutional provisions. The 73rd amendment provided a framework so as to formalize gram panchayat, it included Part IX to the Indian Constitution containing articles 243 to 243O. The 74th amendment aimed at localizing the urban areas by adding Part IXA ranging from the articles 243-P to 243-ZG. Panchayats is the generic term used to describe rural local governments. Municipalities is the term associated with urban local bodies. The recognition and constitutional status of local bodies enabled catering to the political, socio-economic, and cultural needs of the locals.

Local government bodies or the third tier of the government can be defined as institutions responsible for the self-governance of their respective administration. These institutions govern the regional population of their respective units. In recent times, the role exhibited by local bodies has been essential for the efficient working of a nation. The need for democratization emphasized the construction of local-level institutions. Like any other democracy, the Indian government also realized the importance of the involvement and participation of the locals. Right from the two amendment acts in the 1990s under Narasimha Rao's government,

the country has been following what is called the bottom up-approach. This approach reflects that the primary unit of governance in rural and urban areas are the constitutionally established local government bodies.

The role and purpose of local bodies are significant and have a lot of potentials. At a broad level, local bodies perform legislative, executive, and judicial roles.

- **Legislative Role** – In accordance with what is mentioned in the eleventh schedule, the Panchayats in rural areas have power as well as the authority to legislate on the 29 subjects. Similarly, the twelfth schedule includes 18 subjects that are legislated by the municipalities.
 - It is necessary for citizens to participate in elections and local bodies' meetings in order to secure the values of democracy at the grassroots level.
 - **Executive Role** – It is necessary for local bodies to execute various policies and provide basic civil amenities to their subject
-
- **Judicial Role** – At the local level, administrative functions are based on the principle of self-regulation and autonomy. It indicates that the panchayats and municipalities are required to provide justice provisions providing workable solutions to communities in case of conflicts. For instance, local bodies are entrusted with the responsibility of managing and overseeing civil, criminal, and revenue justice. Regulation of its subjects is to ensure that citizens are in line with the law of the land.

b) What are the special provisions ensured to certain classes?

5M

Special Provisions relating to certain Classes

Articles 330 and 332 deals with the reservation of seats in Lok Sabha and State Assemblies respectively. Article 330 provides for the reservation of seats in the Lok Sabha for Scheduled Castes and Scheduled Tribes. The number of seats reserved in any State or Union territory for such castes and tribes will be made on the population basis.

Article 330 to 342 make special provisions for safeguarding the interest of Scheduled castes, Scheduled Tribes, Anglo-Indians and Backward Classes.

Articles 330 and 332 deals with the reservation of seats in Lok Sabha and State Assemblies respectively. Article 330 provides for the reservation of seats in the Lok Sabha for Scheduled Castes and Scheduled Tribes. The number of seats reserved in any State or Union territory for such castes and tribes will be made on the population basis.

Similarly, Article 332 provides for the reservation of seats for Scheduled Castes and scheduled tribes in the legislative assemblies of every state. The constitution 58th amendment act 1987 has amended article 332 of the constitution which provides for reservation of seats for “STs” in Arunachal, Meghalaya, Mizoram and Nagaland.

The Constitution (79th Amendment) Act 1999:

The seats are reserved for the SCs and STs and they are elected by all the voters in the constituency. There is no separate electorate for SCs and STs. Article 325 expressly provides that there shall be one general electoral roll. This means that a member of SC and ST may contest any seat other than reserved.

Article 335 makes it clear that the claims of the members of the SC/ST shall be taken into consideration, consistently with the maintenance of efficiency of administration in the making of appointment to services and posts in connection with the affair of the Union or of a State.

National Commission of Schedule Caste and Schedule Tribes:

The constitution (65th amendment) Act 1990, has amended article 338 of the constitution. The amended article 338 provides for the establishment of National Commission for Scheduled Castes and Scheduled Tribes in place of a Special Officer.

Constitution of Commission: The commission shall consist of a chairman, vice chairman and five other members. The chairman, vice chairman and the members of the commission shall be appointed by the President.

Duties of Commission:

- To investigate and monitor all matters relating to the safeguards for SCs and STs under the constitution and any other law or any order of the Government and to evaluate the working of such safeguards.
- To inquire into specific complaints with respect to the deprivation of rights and safeguards of SCs and STs.
- To participate and advice on planning process of socio economic development of SCs and STs and to evaluate the progress of their development under the Union and any State.
- To present to the President reports upon the working of those safeguards annually and at such other times as the commission deems fit.
- To make recommendations as to the measures that should be taken by the Centre and State for the effective implementation of those safeguards and other measures for the protection, welfare and socio economic development of SCs and STs.

Article 338 provided for the appointment of the special officer by President for the Scheduled Castes and STs. The special officer was required to investigate all matters relating to the safeguards provided for these classes and to report to the President upon the working of those safeguards at such intervals as president would direct.

The President was to cause all such reports to be laid down before each house of Parliament. The President may at any time and shall at the expiration of ten years from commencement of the constitution, appoint a commission to report on the administration of the Scheduled areas and the welfare of the STs in the State. The Central government is also authorized to give directions to the State as to the drawing up an execution of Scheduled specified in the direction to be essential for the welfare of ST in the State.

Anglo-Indians- according to article 366 (2) an Anglo-Indian means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is domiciled within the territory of India or born within such territory and whose parents habitually were resident in India and not established for temporary purposes only.

Backward Classes-Under article 340 (1), the President is empowered to appoint the commission consisting of such persons as he thinks fit to investigate the conditions of the socially and educationally backward classes within the territory of India.

Linguistic Minorities:

Linguistic minority is a class of people whose mother tongue is different from that of the majority in the State or part of a State. Article 350-A, imposes a duty on the State to endeavor to provide adequate facilities for instructions in the mother tongue at the primary stage of education to children belonging to linguistic minority.

Article 347 provides for the use of majority language in the administration. Article 350 gives right to every person to submit a representation for the redress of any grievance to any officer or authority of the Union or a State in any of the Language used in the Union or a state, as the case may be.

(OR)

9. a) **When can the constitutional amendments be made?**

5M

Constitutional Amendment Process

The authority to amend the Constitution of the United States is derived from Article V of the Constitution. After Congress proposes an amendment, the Archivist of the United States, who heads the National Archives and Records Administration (NARA), is charged with responsibility for administering the ratification process under the provisions of 1 U.S.C. 106b. The Archivist has delegated many of the ministerial duties associated with this function to the Director of the Federal Register. Neither Article V of the Constitution nor section 106b describe the ratification process in detail. The Archivist and the Director of the Federal Register follow procedures and customs established by the Secretary of State, who performed these duties until 1950, and the Administrator of General Services, who served in this capacity until NARA assumed responsibility as an independent agency in 1985.

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. None of the 27 amendments to the Constitution have been proposed by constitutional convention. The Congress proposes an amendment in the form of a joint resolution. Since the President does not have a constitutional role in the amendment process, the joint resolution does not go to the White House for signature or approval. The original document is forwarded directly to NARA's Office of the Federal Register (OFR) for processing and publication. The OFR adds legislative history notes to the joint resolution and publishes it in slip

law format. The OFR also assembles an information package for the States which includes formal "red-line" copies of the joint resolution, copies of the joint resolution in slip law format, and the statutory procedure for ratification under 1 U.S.C. 106b.

The Archivist submits the proposed amendment to the States for their consideration by sending a letter of notification to each Governor along with the informational material prepared by the OFR. The Governors then formally submit the amendment to their State legislatures or the state calls for a convention, depending on what Congress has specified. In the past, some State legislatures have not waited to receive official notice before taking action on a proposed amendment. When a State ratifies a proposed amendment, it sends the Archivist an original or certified copy of the State action, which is immediately conveyed to the Director of the Federal Register. The OFR examines ratification documents for facial legal sufficiency and an authenticating signature. If the documents are found to be in good order, the Director acknowledges receipt and maintains custody of them. The OFR retains these documents until an amendment is adopted or fails, and then transfers the records to the National Archives for preservation.

A proposed amendment becomes part of the Constitution as soon as it is ratified by three-fourths of the States (38 of 50 States). When the OFR verifies that it has received the required number of authenticated ratification documents, it drafts a formal proclamation for the Archivist to certify that the amendment is valid and has become part of the Constitution. This certification is published in the Federal Register and U.S. Statutes at Large and serves as official notice to the Congress and to the Nation that the amendment process has been completed.

In a few instances, States have sent official documents to NARA to record the rejection of an amendment or the rescission of a prior ratification. The Archivist does not make any substantive determinations as to the validity of State ratification actions, but it has been established that the Archivist's certification of the facial legal sufficiency of ratification documents is final and conclusive.

In recent history, the signing of the certification has become a ceremonial function attended by various dignitaries, which may include the President. President Johnson signed the certifications for the 24th and 25th Amendments as a witness, and President Nixon similarly witnessed the certification of the 26th Amendment along with three young scholars. On May 18, 1992, the Archivist performed the duties of the certifying official for the first time to recognize the ratification of the 27th Amendment, and the Director of the Federal Register signed the certification as a witness.

b) Discuss the role played by the controller and Auditor General of India?

5M

Roles of CAG

- 1.** The CAG is an agent of the Parliament and conducts audits of expenditure on behalf of the Parliament. Therefore he is responsible only to the Parliament.
- 2.** The CAG has to ascertain whether the money spent was authorised for the purpose for which they were spent.
- 3.** He focuses on whether the expenditure made is in the public interest or not.
- 4.** The role of CAG in the auditing of public corporations is limited.
- 5.** Some corporations are audited directly by the CAG. For example, ONGC, Air

India, and others.

6. Some corporations are audited by private professional auditors who are appointed by the Central Government in consultation with CAG. If necessary, there may be a supplementary audit by CAG.

7. The role of the CAG in the auditing of Government Companies is also limited. They are audited by private auditors who are appointed by the Central Government on the advice of the CAG.

Audit Board, 1968

In 1968 an Audit Board was established as a part of the office of CAG to associate with outside specialists and experts to handle technical aspects of the audit. Board was established on the recommendation of the Administration Reforms Commission of India.