



INDIAN POLITY BY- SUJEET BAJPAI SIR



Question No: 1

Consider the following statements:

1. ✗ The President of India cannot appoint a person as Prime Minister if he/she is not a member of either Lok Sabha or Rajya Sabha.

2. ✗ The candidate for the office of Prime Minister must have the support of the majority members of both Lok Sabha and Rajya Sabha. ✗

1. यदि वह लोकसभा या राज्यसभा का सदस्य नहीं है तो भारत के राष्ट्रपति किसी व्यक्ति को प्रधानमंत्री के रूप में नियुक्त नहीं कर सकते ।

2. प्रधानमंत्री पद के उम्मीदवार को लोकसभा और राज्यसभा दोनों के बहुमत वाले सदस्यों का समर्थन होना जरूरी है।

Question No: 1

Which of the statements given above is/are correct?

(a) 1 only

(b) 2 only

(c) Both 1 and 2

☒ (d) Neither 1 nor 2

Question No: 2

Consider the following statements:

1. It is on the advice of the Speaker of Lok Sabha that the President of India summons and prorogues Parliament and dissolves Lok Sabha. *बिना* *कमल*

✓ 2. The resignation of the Prime Minister means the resignation of the entire Council of Ministers.]

✓ 3. A vote of confidence against one Minister. in Lok Sabha means the vote of confidence against the entire Council of Ministers. *NO* *NO*

Question No: 2

1. लोकसभा अध्यक्ष की सुलाह पर ही भारत के राष्ट्रपति संसद को बुलाते हैं और उन्हें भंग कर देते हैं।
2. प्रधानमंत्री के इस्तीफे का मतलब है पूरी मंत्रिपरिषद का इस्तीफा।
3. एक मंत्री के खिलाफ विश्वास मत। लोकसभा में संपूर्ण मंत्रिपरिषद के खिलाफ विश्वास मत का अर्थ है।

Question No: 2

Which of the following statements given above are correct?

- (a) 1 and 2 only
- ☒ (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

Question No: 3

Prep

Consider the following statements:

1. The Chief Justice of a High Court is appointed by the Governor of the state.

2. Every Judge of a High Court including the Chief Justice holds office until he/she attains the age of 65 years. *62*

1. एक उच्च न्यायालय के मुख्य न्यायाधीश की नियुक्ति राज्य के राज्यपाल द्वारा की जाती है।

2. मुख्य न्यायाधीश सहित उच्च न्यायालय का प्रत्येक न्यायाधीश तब तक पद धारण करता है जब तक कि वह 65 वर्ष की आयु प्राप्त नहीं कर लेते।

Question No: 3

Which of the statements given above is/are correct?

- (a) Only 1
- (b) Only 2
- (c) Both 1 and 2
- ☒ (d) Neither 1 nor 2

Question No: 4

Art 352

While Proclamation of Emergency is in operation, the term of the Lok Sabha can be extended for a period not exceeding?

जबकि आपातकाल की उद्घोषणा चल रही है, लोकसभा का कार्यकाल उससे अधिक अवधि के लिए बढ़ाया जा सकता है?

- (a) Six weeks
- (b) Three months
- (c) Six months
- (d) One year

Question No: 5

Which one among the following has the power to regulate the right of citizenship in India?

निम्नलिखित में से किस एक के पास भारत में नागरिकता के अधिकार को विनियमित करने की शक्ति है?

- (a) The Union Cabinet
- ☒ (b) The Parliament
- (c) The Supreme Court
- (d) The Law Commission

Question No: 6

COM, = 15% of members

As per the Constitution of India, what is the limit prescribed for the number of members in the Legislative Assembly of a State?

भारत के संविधान के अनुसार किसी राज्य की विधान सभा में सदस्यों की संख्या के लिए क्या सीमा निर्धारित है?

- (a) 350 members
- (b) 400 members
- (c) 450 members
- (d) 500 members

[max = 500 members
min = 60 member]

Question No: 7

Which one of the following statements is/are correct with regard to the Vice-President of India?

1. He must be a member of Parliament.
2. He is elected by proportional representation.
3. He is Ex-officio Chairman of the Rajya Sabha.

भारत के उप-राष्ट्रपति के संबंध में निम्नलिखित वक्तव्यों में से कौन सा सही है/क्या है?

1. वह संसद सदस्य होना चाहिए ।
2. वह आनुपातिक प्रतिनिधित्व द्वारा चुना जाता है।
3. वह राज्यसभा के पदेन अध्यक्ष हैं।

Question No: 7

Select the correct answer using the code given below:

(a) 1 only

(b) 1 and 3

☒ (c) 2 and 3

(d) 1 and 2

Question No: 8

विदेश नीति

Which of the following are the principles of the Panchsheel?

- ✓ 1. Peaceful co-existence
- 2. Mutual protection of the environment
- 3. Mutual protection of indigenous population.
- ✓ 4. Mutual non-aggression

निम्नलिखित में से कौन से सिद्धांत पंचशील के हैं?

- 1. शांतिपूर्ण सह-अस्तित्व
- 2. पर्यावरण की पारस्परिक सुरक्षा
- 3. स्वदेशी आबादी का पारस्परिक संरक्षण।
- 4. आपसी गैर आक्रामकता

Question No: 8

Select the correct answer using the code given below:

- (a) 2 and 3 only
- (b) 1 and 2 only
- (c) 1, 2 and 4
- (d) ~~1~~ and 4 only

Question No: 9

Consider the following statements:

1. No person is eligible for appointment as Governor unless he has completed the age of thirty years.

2. The same person can be appointed as Governor for three States.

1. कोई भी व्यक्ति राज्यपाल के रूप में नियुक्ति के लिए तब तक पात्र नहीं है जब तक कि वह तीस वर्ष की आयु पूरी नहीं कर ले।

2. एक ही व्यक्ति को तीन राज्यों के लिए राज्यपाल के रूप में नियुक्त किया जा सकता है।

Question No: 9

Which of the statements given above is/are correct?

- (a) 1 only**
- (b) 2 only**
- (c) Both 1 and 2**
- (d) Neither 1 nor 2**

Question No: 10

The entry “Public health and Sanitation” is included in the Constitution of India in

- (a) Union List ✓
- ☒ (b) State List ✓
- (c) Concurrent List ✓
- (d) None of these ✓

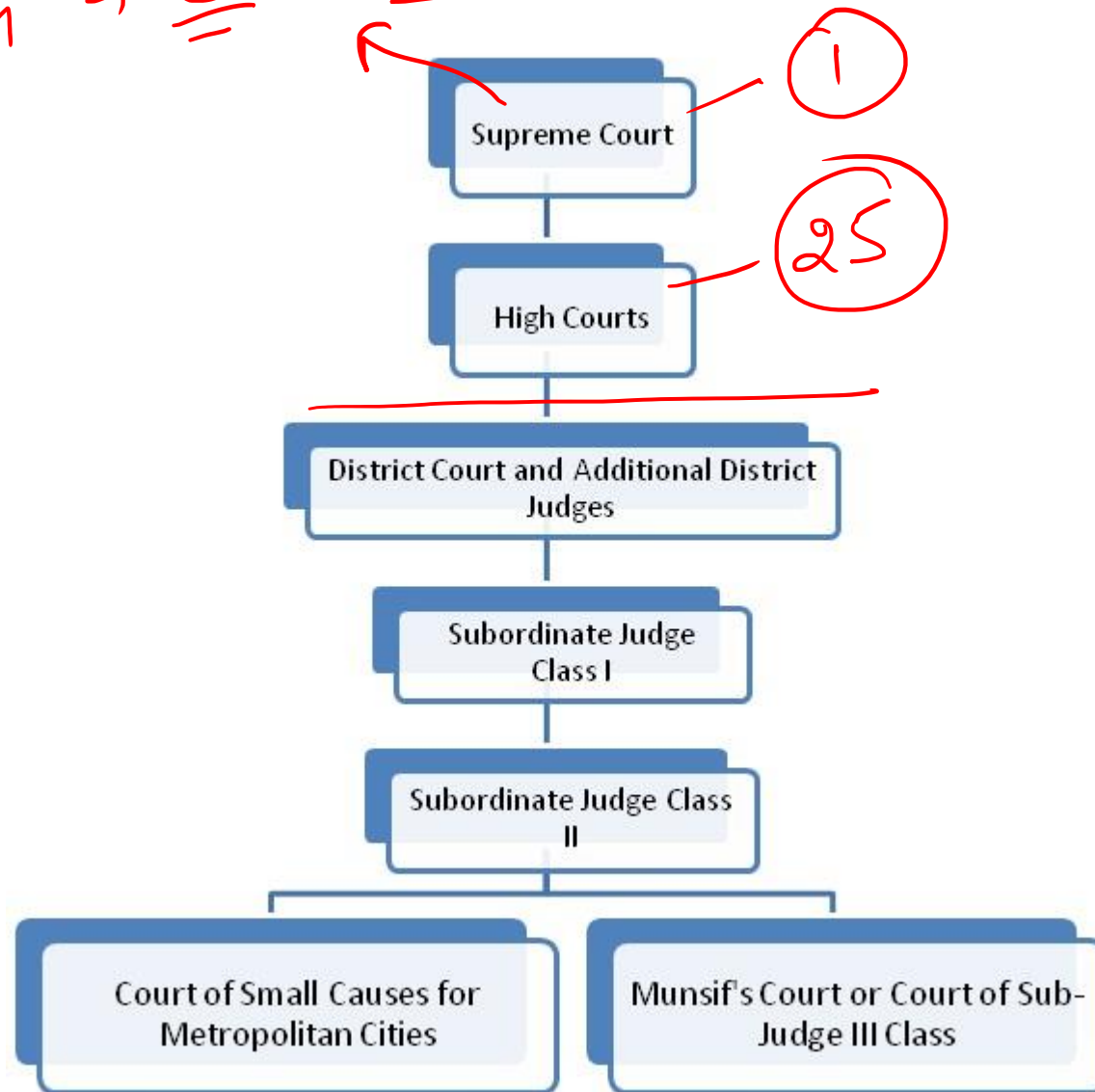
Correct



Supreme Court



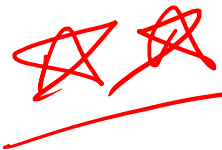
47 \Rightarrow 34 \Rightarrow 33+1



The Supreme Court of India was inaugurated on January 28, 1950.

It succeeded the Federal Court of India, established under the Government of India Act of 1935. However, the jurisdiction of the Supreme Court is greater than that of its predecessor.

This is because, the Supreme Court has replaced the British Privy Council as the highest court of appeal.



124.	<u>Establishment</u> and <u>Constitution</u> of <u>Supreme Court</u>
124A.	National Judicial Appointments Commission
124B.	Functions of Commission
124C.	Power of Parliament to make law
125.	Salaries, etc., of Judges
126.	Appointment of acting Chief Justice
127.	Appointment of <i>ad hoc</i> Judges
128.	Attendance of retired Judges at sittings of the Supreme Court

NJAC

Repeal
बिना

129.	Supreme Court to be a court of record
130.	Seat of Supreme Court
131.	Original jurisdiction of the Supreme Court
131A.	Exclusive jurisdiction of the Supreme Court in regard to questions as to constitutional validity of Central Laws (Repealed)
132.	Appellate jurisdiction of Supreme Court in appeals from High Courts in certain cases
133.	Appellate jurisdiction of Supreme Court in appeals from High Courts in regard to civil matters

& Contempt

do Record
↑

134. Appellate jurisdiction of Supreme Court in regard to criminal matters

134A. Certificate for appeal to the Supreme Court

135. Jurisdiction and powers of the Federal Court under existing law to be exercisable by the Supreme Court

~~136.~~ Special leave to appeal by the Supreme Court

~~137.~~ Review of judgments or orders by the Supreme Court

138. Enlargement of the jurisdiction of the Supreme Court

SLP

139.	Conferment on the Supreme Court of powers to issue certain writs
139A.	Transfer of certain cases
140.	Ancillary powers of Supreme Court
141.	Law declared by Supreme Court to be binding on all courts
142.	Enforcement of decrees and orders of Supreme Court and orders as to discovery, etc.
143.	Power of President to consult Supreme Court



144.	Civil and judicial authorities to act in aid of the Supreme Court
144A.	Special provisions as to disposal of questions relating to constitutional validity of laws (Repealed)
145.	Rules of court, etc.
146.	Officers and servants and the expenses of the Supreme Court
147.	Interpretation

- There are currently ~~32~~ judges (including the Chief Justice of India) and maximum possible strength is **34**.
- Originally, the strength of the Supreme Court was fixed at eight (one chief justice and seven other judges).

8

7+1



National Judicial Appointments Commission

The 99th Constitutional Amendment Act of 2014 and the National Judicial Appointments Commission Act of 2014 have replaced the collegium system of appointing judges to the Supreme Court and High Courts with a new body called the National Judicial Appointments Commission (NJAC).

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

Consequently, the earlier collegium system became operative again.

विवेकीय

कानून

This verdict was delivered by the Supreme Court in the Fourth Judges case^{2a} (2015). The court opined that the new system (i.e., NJAC) would affect the independence of the judiciary.

Qualifications of Judges

A person to be appointed as a judge of the Supreme Court should have the following qualifications:

1. He should be a citizen of India.
2. (a) He should have been a judge of a High Court (or high courts in succession) for five years; or (b) He should have been an advocate of a High Court (or High Courts in succession) for ten years;

or (c) He should be a distinguished jurist in the opinion of the president.

From the above, it is clear that the Constitution has not prescribed a minimum age for appointment as a judge of the Supreme Court.

Tenure of Judges

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

1. He holds office until he attains the age of 65 years. Any question regarding his age is to be determined by such authority and in such manner as provided by Parliament.

2. He can resign his office by writing to the president.

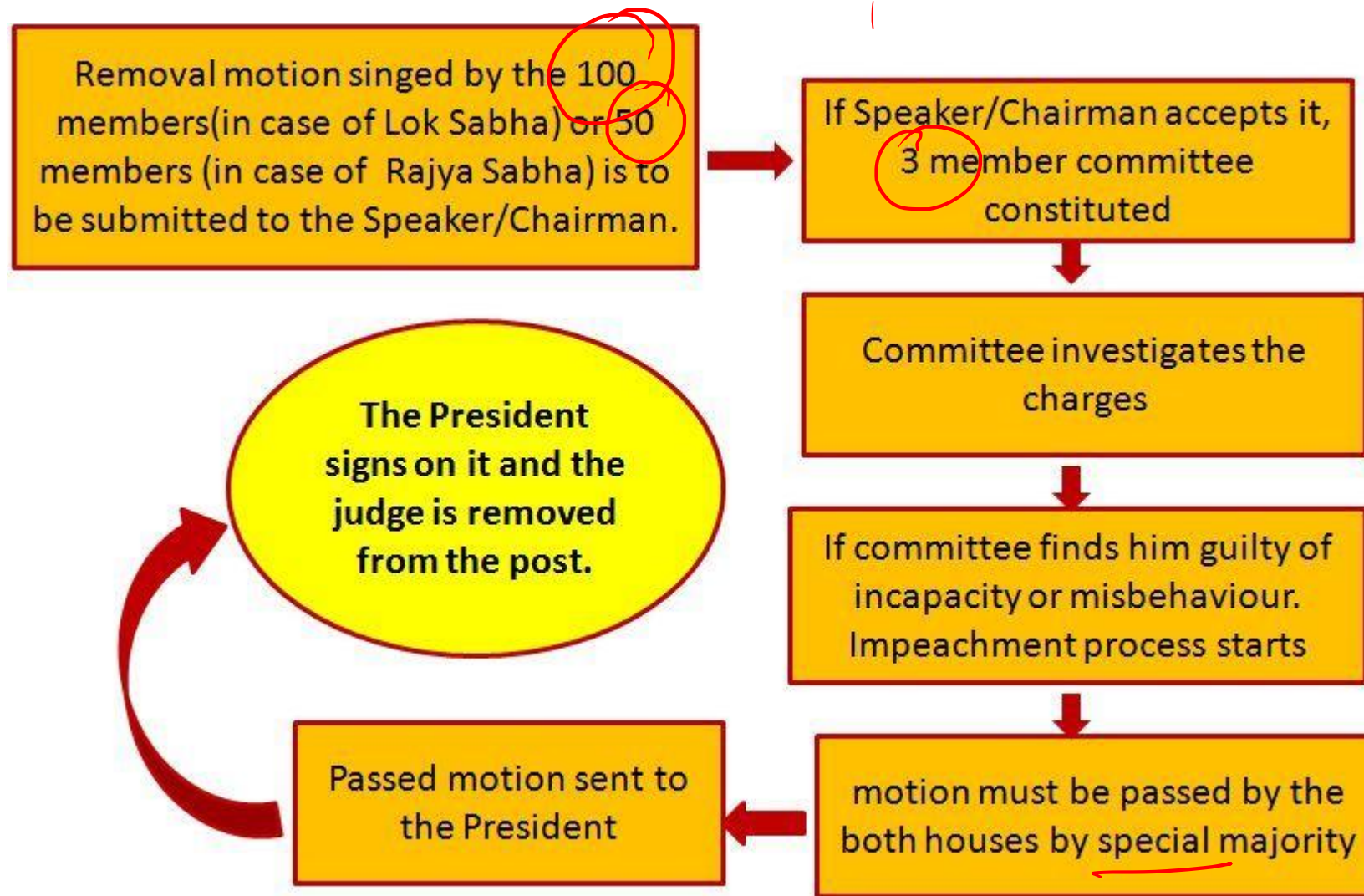
3. He can be removed from his office by the President on the recommendation of the Parliament.

Removal

हि ए
असि चक

① Incapacity
② Proved
misbehaviour

Process



क्षेत्राधिकार

Jurisdiction and Powers of Supreme Court

है

1. Original Jurisdiction.

✓ 2. Writ Jurisdiction.

साहित्य नाले

3. Appellate Jurisdiction.

Art. 32

✓ 4. Advisory Jurisdiction.

✓ 5. A Court of Record. → Art-129

✓ 6. Power of (Judicial Review.) → Art-13

7. Other Powers.

1. Original Jurisdiction

As a federal court, the Supreme Court decides the disputes between different units of the Indian Federation. More elaborately, any dispute between:

(a) the Centre and one or more states; or




(b) the Centre and any state or states on one side and one or more states on the other; or

(c) between two or more states.


In 1961, ~~the~~ first suit, under the original jurisdiction of the Supreme Court, was brought by West Bengal against the Centre.

The State Government challenged the Constitutional validity of the Coal Bearing Areas (Acquisition and Development) Act, 1957, passed by the Parliament.

However, the Supreme Court dismissed the suit by upholding the validity of the Act.

HC } SC ←
2. Writ Jurisdiction] → Art - (32)

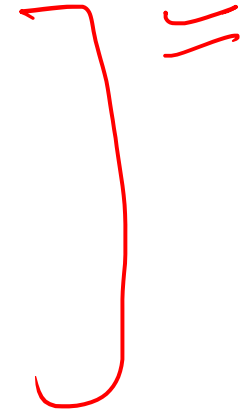
The Constitution has constituted the Supreme Court as the guarantor and defender of the fundamental rights of the citizens.

HC ⇒ Writ Jur. (+) Legal Rights
(226) Art. (FR)

However, the writ jurisdiction of the Supreme Court is not exclusive.

The high courts are also empowered to issue writs for the enforcement of the Fundamental Rights.

It means, when the Fundamental Rights of a citizen are violated, the aggrieved party has the option of moving either the high court or the Supreme Court directly.





There is also a difference between the writ jurisdiction of the Supreme Court and that of the high court.

The Supreme Court can issue writs only for the enforcement of the Fundamental Rights and not for other purposes.

The high court, on the other hand, can issue writs not only for the enforcement of the fundamental rights but also for other purposes. It means that the writ jurisdiction of the high court is wider than that of the Supreme Court.

3. Appellate Jurisdiction



As mentioned earlier, the Supreme Court has not only succeeded the Federal Court of India but also replaced the British Privy Council as the highest court of appeal.

The Supreme Court is primarily a court of appeal and hears appeals against the judgements of the lower courts.

It enjoys a wide appellate jurisdiction which can be classified under four heads:

(a) Appeals in constitutional matters.

(b) Appeals in civil matters.

(c) Appeals in criminal matters.

~~(d) Appeals by special leave.~~

Art - 136

Appeal by Special Leave (Article 136) ✓✓

The Supreme Court is authorised to grant in its discretion special leave to appeal from any judgement in any matter passed by any court or tribunal in the country (except military tribunal and court martial).

4. Advisory Jurisdiction ✓✓

The Constitution (Article 143) authorises the president to seek the opinion of the Supreme Court in the two categories of matters:

- (a) On any question of law or fact of public importance which has arisen or which is likely to arise.**
- (b) On any dispute arising out of any pre-constitution treaty, agreement, covenant, engagement, sanad or other similar instruments**

In the first case, the Supreme Court may tender or may refuse to tender its opinion to the president. But, in the second case, the Supreme Court ‘must’ tender its opinion to the president.

In both the cases, the opinion expressed by the Supreme Court is only advisory and not a judicial pronouncement.

Hence, it is not binding on the president; he may follow or may not follow the opinion.

Judicial Activism

USA

PIL

↳ P.N.

V. A.

कुल

हय्य

+

अजवती



In India, the PIL is a product of the judicial activism role of the Supreme Court.

It was introduced in the early 1980s. Justice V.R. Krishna Iyer and Justice P.N.

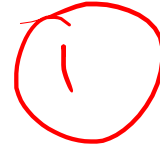
अंतर



Justice Anna Chandy, also known as Anna Chandi, was the first female judge and then High Court judge in India.

She was, in fact, one of the first female judges in the British Empire next to Emily Murphy.

Justice Anna Chandy: The First Female High Court Judge Of India





✓

Justice Fathima Beevi became
the first female judge who was
appointed to the Supreme
Court of India in 1989. ✓

Leila Seth

— 1st woman chief
Justice of



H.C.
→ Himanchal
Pradesh
=

High Courts in India



Articles 214 to 231 in Part VI of the Constitution deal with the organisation, independence, jurisdiction, powers, procedures and so on of the high courts.

The institution of high court originated in India in 1862 when the high courts were set up at Calcutta, Bombay and Madras.

In 1866, a fourth high court was established at Allahabad.

There are 25 High Courts in India. Candidates can find the list of High Courts in India at the linked article.

Max = Age

62 yrs

Qualifications of Judges

A person to be appointed as a judge of a high court, should have the following qualifications:

1. He should be a citizen of India.
2. (a) He should have held a judicial office in the territory of India for ten years; or
(b) He should have been an advocate of a high court (or high courts in succession) for ten years.



List of High Courts in India

Year	Name	Territorial Jurisdiction	Seat & Bench
1862	Bombay	Maharashtra Dadra & Nagar Haveli Goa Daman Diu	Seat: <u>Mumbai</u> ✓ Bench: Panaji, Aurangabad, and Nagpur
1862	Kolkata	West Bengal Andaman & Nicobar islands	Seat: Kolkata Bench: Port Blair
1862	Madras	Tamil Nadu Pondicherry	Seat: Chennai Bench: Madurai

1866	Allahabad	Uttar Pradesh ①	Seat: <u>Allahabad</u> Bench: Lucknow
1884	Karnataka	Karnataka	Seat: Bengaluru Bench: Dharwad and Gulbarga
1916	Patna	Bihar	Patna
1928	Jammu & Kashmir	Jammu & Kashmir	Srinagar and Jammu

1948	Guwahati	Assam Nagaland Mizoram Arunachal Pradesh	2 Seat: Guwahati Bench: Kohima, Aizawl, and Itanagar
1949	Odisha	Odisha	Cuttack 3
1949	Rajasthan	<u>Rajasthan</u>	Seat: <u>Jodhpur</u> Bench: Jaipur
1956	Madhya Pradesh	<u>Madhya Pradesh</u>	Seat: <u>Jabalpur</u> Bench: Gwalior and Indore
1958	Kerala ✕	Kerala & Lakshadweep	Ernakulam ✕
1960	Gujarat	Gujarat	Ahmedabad ✕
1966	Delhi	Delhi	Delhi

1971	Himachal Pradesh	Himachal Pradesh	Shimla
1975	Punjab & Haryana	Punjab, Haryana & Chandigarh	Chandigarh
1975	Sikkim	Sikkim	Gangtok
2000	Chattisgarh	Chattisgarh	Bilaspur
2000	Uttarakhand	Uttarakhand	Nainital
2000	Jharkhand	Jharkhand	Ranchi

2013	Tripura	Tripura	Agartala
2013	Manipur	Manipur	Imphal
2013	Meghalaya	Meghalaya	Shillong
2019	Telangana	Telangana	Hyderabad
2019	Andhra Pradesh	Andhra Pradesh	Amravati