

All Inclusive Static Crash Course Prelims 2022

Class-7 : Polity

PARLIAMENTARY COMMITTEES

Constitution mentions:

- ✓ Parliamentary committees
- ✗ Their composition, tenure, etc.
(Given in Rules of the two houses)

Two types of PCs:

- Standing:** Permanent;
reconstituted every year
- Ad-Hoc:** Temporary; cease to exist on task completion

Minister cannot be a part of:

- Committee on Estimates
- Committee on Public Accounts
- Committee on Public Undertakings
- Committee on Government Assurances
- Departmental Standing Committees
- Committee on Empowerment of Women
- Committee on Petitions
- Committee on Subordinate Legislation
- Committee on Welfare of SCs and STs

Departmental Standing Committees: (since 1993)

- Members: 31 = 21 + 10; nominated by Speaker/Chairman; Term 1 year
- Currently 24; they cover all ministries / departments of Central Government
- They consider (not all) Bills, Demands for Grants, long term policy, etc. (not day-to-day matters)

Financial Committees

	Purpose	Members (LS + RS)	Chairman	Miscellaneous
Public Accounts Committee	Examine CAG reports on: → appropriation accounts → finance accounts → public undertakings	22 = 15 + 7 Method: PR Term: 1 year	<input type="checkbox"/> From Opposition (convention) <input type="checkbox"/> Appointed by Speaker	<input type="checkbox"/> Since 1921 under Gol Act 1919
Estimates committee	Examine budget and suggest economies in expenditure	30 = 30 + 0 Method: PR Term: 1 year	<input type="checkbox"/> From Ruling party <input type="checkbox"/> Appointed by Speaker	<input type="checkbox"/> Since 1950 <input type="checkbox"/> aka 'continuous economy committee'
Committee on Public Undertakings	Examine reports on PSUs (by CAG and others)	22 = 15 + 7 Method: PR Term: 1 year	<input type="checkbox"/> From Lok Sabha <input type="checkbox"/> Appointed by Speaker	<input type="checkbox"/> Since 1964

Committees to Enquire

	Purpose	LS committee	RS committee
Committee on Petitions	To examine petitions on bills and matters related to Union subjects	15 members	10 members
Committee of Privileges	To examine breach of privilege of House and its members	15 members	10 members
Ethics Committee	To enforce code of conduct of MPs	Since 2000	Since 1997

Miscellaneous

	Purpose	LS committee	RS committee
Committee on Government Assurances	Examine status of promises made by ministers on the floor of the house	15 members	10 members
Committee on Subordinate Legislation	Examine whether powers to make subordinate legislation are being properly exercised by the Executive	15 members	15 members
Rules Committee	Consider procedure and rules of the House	15 members, including Speaker as ex-officio chairman	16 members, including Chairman as ex-officio chairman
Business Advisory Committee	Allocate time for business of the House	15 members, including Speaker as ex-officio chairman	11 members, including Chairman as ex-officio chairman

Article 88: Every Minister and Attorney General has right to speak and take part in proceedings of:
 ✓ Joint Sitting ✓ Proceedings of either House ✓ Any committee of Parliament of which he is member

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Prelims 2019

In India, which of the following review the independent regulators in sectors like telecommunications, insurance, electricity etc.?

1. Ad Hoc Committees set up by the Parliament
2. Parliamentary Department Related Standing Committees
3. Finance Commission
4. Financial Sector Legislative Reforms Commission
5. NITI Aayog

Select the correct answer using code given below

- (a) 1 and 2 (b) 1, 3 and 4
(c) 3, 4 and 5 (d) 2 and 5

Prelims 2018

With reference to the Parliament of India, which of the following Parliamentary Committees scrutinizes and reports to the House whether the powers to make regulations, rules, sub-rules, by-laws, etc. conferred by the Constitution or delegated by the Parliament are being properly exercised by the Executive within the scope of such delegation?

- (a) Committee on Government Assurances
(b) Committee on Subordinate Legislation
(c) Rules Committee
(d) Business Advisory Committee

Prelims 2012

According to Constitution, it is duty of President to cause to be laid before Parliament which of the following?

1. Recommendations of Union Finance Commission
2. Report of Public Accounts Committee
3. Report of CAG
4. Report of National Commission for Scheduled Castes

Select the correct answer:

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

Prelims 2003

Consider the following statements:

1. While members of Rajya Sabha are associated with Committees on Public Accounts and Public Undertakings, members of Committee on Estimates are drawn entirely from Lok Sabha.
2. Ministry of Parliamentary Affairs works under overall direction of Cabinet Committee on parliamentary Affairs
3. Minister of Parliamentary Affairs nominates Members of parliament on Committees, Councils, Boards and Commissions etc. set up by the Government of India in various ministries.

Which of these statements is/are correct?

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

Prelims 1992

Which of the following are Financial Committees of Parliament in India?

1. Public Accounts Committee
2. Estimates Committee
3. Committee on Public Undertakings

Select the correct answer:

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

Prelims 2001

In what way does Parliament exercise control over administration?

- (a) Through Parliamentary Committees
(b) Through Consultative Committees in various ministries
(c) By making administrators send periodic reports
(d) By compelling the executive to issue writs

Prelims 2013

Consider the following statements:

The parliamentary Committee on public accounts

1. consists of not more than 25 Members of the Lok Sabha
2. scrutinizes appropriation and finance accounts of the Government
3. examines the report of the Comptroller and Auditor General of India (CAG).

Which of the above statements are correct?

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

Prelims 2007

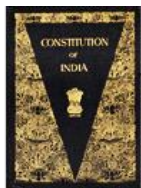
Consider the following statements:

1. Chairman of Committee on Public Accounts is appointed by Speaker of Lok Sabha.
2. Committee on Public Accounts comprises Members of Lok Sabha, Members of Rajya Sabha and few eminent persons of industry and trade.

Which of the above statements are correct?

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

SUPREME COURT



President must "consult" Chief Justice of India

Regarding appointment of Supreme Court Judges, Article 124 (2) says: "*in the case of appointment of a Judge other than the Chief Justice, CJI shall always be consulted*". What does "**consulted**" mean?

1st Judges case 1982	<ul style="list-style-type: none"> Consultation means <u>exchange of views</u>. CJI's advice not binding. 	 President	Not binding	 CJI	
2nd Judges case 1993	<ul style="list-style-type: none"> Consultation means <u>concurrence</u>. CJI's advice <u>binding</u> CJI must consult <u>two</u> senior-most judges 	 President	Binding	 CJI	CJI must consult two senior-most judges
3rd Judges case 1998	<ul style="list-style-type: none"> Consultation means <u>concurrence</u>. CJI's advice <u>binding</u> CJI must consult <u>four</u> senior-most judges 	 President	Binding	 CJI	CJI must consult four senior-most judges
4th Judges case 2015	<ul style="list-style-type: none"> In 2015, Govt. amended Constitution SC ruled that NJAC is unconstitutional 	 President	Binding	 CJI Eminent Person Eminent Person	CJI Union Law Minister Two senior-most judges Two eminent persons

Qualification to be SC Judge: Indian citizen, and HC judge for 5 years, or HC advocate for 10 years, or Distinguished jurist in opinion of President

Qualification to be HC judge: Indian citizen, and HC advocate for 10 years, or Held judicial office in India for 10 years

There is no minimum age to become SC/HC Judge

- Strength of **SC** decided by - **Parliament**
 - Strength of **HC** decided by - **President**
- Current sanctioned strength of SC is **34** including CJI

Which of the following are correct?

- ✓ Originally, **Constitution fixed** number of SC judges
- ✓ **Parliament** can **increase** number of judges of SC without amending the constitution.

Transfer of HC judge:

- President consults CJI; CJI consults:
- 4 senior most SC judges
 - CJs of the two HCs

Basis for transferring a HC judge?

- Transfer can be only in 'public interest' for '**better administration of justice**'.
- It cannot be a punitive measure.

	SC Judge	HC Judge
Appointed by	President	
Resigns to	President	
Oath by	President	Governor
Retirement age	65	62
Term	No	

	SC Judge	HC Judge
Salary	C.F. of India	C.F. of State
Pension	Consolidated Fund of India	
Amount decided by	Parliament	
Can it be reduced?	Only during financial emergency	

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Prelims 1992

Which of the following statements regarding **judiciary** in India are correct?

1. **Supreme Court** of India is free from the control and influence of legislature and executive
2. **Subordinate courts** are at the **head** of the judicial hierarchy of the **state**.
3. Chief Justice and other judges of High Court are **appointed by Governor** in consultation with C.J.I.
4. A **High Court** can withdraw a case from a **subordinate court** and can deal with the case itself if it is satisfied that the case involves a substantial point of constitutional law

Select the correct answer using the codes given below:

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

High Court	Jurisdiction	
4 - Gauhati	Assam Arunachal Pradesh Mizoram Nagaland	<ul style="list-style-type: none"> ✓ Article 214: There shall be a HC for each State ✓ Each State/UT has a HC ✗ Each State/UT has a HC in its territory ✓ There are 25 High Courts in India <p>Removal of SC/HC Judges → Constitutional provisions:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Proved misbehaviour or incapacity [not defined] <input type="checkbox"/> Special majority in both houses <input type="checkbox"/> Parliament to frame process [Judges (Inquiry) Act 1968]
3 - Punjab & Haryana	Punjab Haryana Chandigarh	
3 - Bombay	Maharashtra Goa D&N Haveli and Daman & Diu	
2 - J&K & Ladakh	J&K Ladakh	
2 - Calcutta	West Bengal A&N islands	
2 - Kerala	Kerala Lakshadweep	
2 - Madras	Tamil Nadu Puducherry	


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graph TD
    A[CJI / SC Judge  
HC CJ  
Distinguished jurist] -.-> B[Forms committee]
    C[100 LS  
(or 50 RS)  
MPs] --> D[Speaker/  
Chairman]
    D --> B
    B --> E[Guilty]
    B --> F[Not guilty]
    E --> G[Special majority  
in both houses]
    G --> H[Removed by  
President]
    F --> I[Reject]
  
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Prelims 2019

Consider the following statements:

1. The motion to impeach a judge of the Supreme Court of India **cannot be rejected by the Speaker** of the Lok Sabha as per the Judges (Inquiry) Act, 1968.
2. The **Constitution** of India **defines** and gives details of what constitutes '**incapacity and proved misbehaviour**' of the judges of the Supreme Court of India.
3. The details of the **process** of impeachment of the judges of the Supreme Court of India are given in the **Judges (Inquiry) Act, 1968**.
4. If motion of impeachment of a judge is taken up for voting, the law requires the motion to be backed by each house of the parliament and supported by a majority of total membership of that house and by not less than **two-thirds** of total members of that House present and voting.

Which of the statements given above is/are correct?

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

Prelims 2019

With reference to the constitution of India, prohibition or limitations or provisions contained in ordinary laws cannot act as prohibitions or limitations on the constitutional powers under **Article 142**. It could mean which one of the following?

- a) Decisions taken by ECI while discharging its duties can not be challenged in any court of law.
- b) Supreme Court is not constrained in the exercise of its powers by laws made by the parliament.**
- c) In the event of grave financial crises in the country, the President of India can declare Financial Emergency without the counsel from the cabinet.
- d) State Legislatures can not make laws on certain matters without concurrence of Union legislature.

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SUPREME COURT:

- ✓ **Custodian** of Constitution
- ✓ Parliament can **extend, not curtail** SC's jurisdiction and powers
- ✓ CJI has freedom to appoint **staff** of SC and prescribe conditions of their service
- ✓ All expenses are **charged** on Consolidated fund of India (Parliament can discuss, not vote)
- ✓ Removed by **Prez** only after special majority in **Parliament** (proven misbehaviour or incapacity)
- ✓ **Ban** on pleading or acting in any Court or authority in India after retirement

Note: Retired HC judge can plead only in SC and other HCs

Article 131:

- SC has original & exclusive jurisdiction in inter-govt disputes (Centre vs States; States vs States)
- It does not cover inter-govt disputes due to pre-Constitutional agreement or river water sharing

Original: one can directly move SC

Exclusive: no other court can decide such dispute

Original and exclusive: inter-govt dispute; Dispute in election of President and VP

Original but not exclusive: enforcement of FRs, issue of writs, judicial review, etc.

Note: inter-govt dispute in the above is in the context of constitutional relation, not commercial disputes between the governments.

Article 131 was first invoked by West Bengal in 1961.

Advisory Jurisdiction:

By Article 143 President can seek opinion of SC on

- ✓ any question of law or fact or public importance (SC can refuse)
- ✓ dispute due to any pre-Constitution agreement etc. (SC must tender its opinion)

In either case SC advice is **not binding** on President.

Article 136: Special Leave Petition

- ✓ **any** judgement in **any** matter passed by **any** court or tribunal in the country (except military tribunal and court martial)
- ✓ It is a **discretionary power** and hence, cannot be claimed as a matter of right

Prelims 2005

Consider the following statements:

1. The Parliament cannot enlarge the **jurisdiction of the Supreme Court** of India as its jurisdiction is limited to that conferred by the Constitution
2. The **officers and servants of the Supreme Court** and High Courts are appointed by the concerned Chief Justice and the administrative expenses are **charged** on the Consolidated Fund of India.


CORRECTION: Both statements are wrong. Reason: As per Article 229, Administrative expenses of High Court, including salary/pension of officers, are charged on Consolidated Fund of State. Note: Pension of HC Judges is charged on CF of India.

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**

Constitution Bench: SC bench of 5 or more judges

- Article 145(3) → Minimum 5 judge bench for:
 - case involving substantial question of law to **interpret Constitution**
 - hearing any reference under **article 143** (President seeking SC opinion)
- CJI constitutes the bench, but may not be a part of it.
- 2017 Puttaswamy case (Right to privacy) was heard by **9 judge bench**.
- Largest ever was **13 judge bench** for Kesavananda Bharati case.
- Dispute in election of President and VP
 - Must be decided by SC (Article 71)
 - By a Constitution bench of at least 5 judges (Rules)

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JUDICIAL REVIEW

"Judicial review" & "independence of judiciary" borrowed from? US Constitution

Ninth Schedule:

- a) Article 31B: laws in 9th schedule **can't be challenged in courts**
- b) Added by **1st amendment** 1951 to protect zamindari abolition laws
- c) Has both **central & state** laws; initially 13 laws, currently 284.

J. R. Coelho case 2007:

- 9th schedule not immune to judicial review (part of basic structure)
- Law placed in 9th schedule is unconstitutional if:
 - it violates any FR, and
 - it violates basic structure

Prelims 2017 In India, Judicial Review implies

- (a) power of Judiciary to pronounce upon the **constitutionality** of laws and executive orders
- (b) power of Judiciary to question the **wisdom** of the laws enacted by the Legislatures
- (c) power of Judiciary to review all legislative enactments before they are assented by President
- (d) power of Judiciary to review its own judgements given earlier in similar or different cases

Perhaps the most important power of the Supreme Court is the power of judicial review. Judicial Review means the power of the Supreme Court (or High Courts) to examine the constitutionality of any law if the Court arrives at the conclusion that the law is inconsistent with the provisions of the Constitution, such a law is declared as unconstitutional and inapplicable. The term judicial review is nowhere mentioned in the Constitution. However, the fact that India has a written constitution and the Supreme Court can strike down a law that goes against fundamental rights, implicitly gives the Supreme Court the power of judicial review.
— NCERT

Prelims 2018

Consider the following statements:

1. Parliament can place a particular law in 9th Schedule of the Constitution of India
2. Validity of a law placed in 9th Schedule cannot be examined by any court and no judgement can be made on it.

Which of the above statements are correct?

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

Mulgaonkar Principle 1978 is about? **CONTEMPT OF COURT**

Constitution:

- Does not define** what is contempt
- Article 129:** SC can punish for its contempt
- Article 215:** HC can punish for its contempt
- Article 19(2):** CoC is reasonable restriction on freedom of speech & expression

Consent for "Criminal" contempt cases:

- SC: Attorney General / Solicitor General
- HC: Advocate general / Lower court
- Consent not needed for suo-motu cases

Contempt of Courts Act 1971:

- Defines** contempt (civil & criminal)
- HCs can punish for contempt of **subordinate courts**
- Punishment: 6 months jail / Rs 2000 fine
- Not applicable if offences is more than **1 year old**
- No contempt unless there is **substantial interference** in due process of justice (Section 13)
- 2006 amendment:** justification by **truth is a valid defence** (added defence of truth to section 13)

Contempt of Courts Act 1971

Civil contempt

- willful **disobedience** of court order
- willful **breach** of undertaking given to court
- e.g. in February 2019, SC found **Reliance Communication** guilty of civil CoC in Ericsson dues case.

Criminal contempt

- Interference** in judicial proceeding
- Scandalize** or lower authority of any court
- e.g. in August 2020, SC found **Prashant Bhusan** guilty of criminal CoC for tweets criticizing SC and CJs

Contempt:

- Disobey** court order
- Breach of **undertaking** given to court
- Interfere** with judicial proceedings
- Scandalise** the court

Not contempt:

- Fair criticism of **judgement**
- Mere criticism of **court** (*PN Dua case 1988*)
- Defaming **judge** but not interfering with proceedings
- Justification by **truth** is valid defence (*2006 amendment*)

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Some Constitutional bodies

	ECI	UPSC	SPSC	CAG
Article	324	315	315	148
Purpose	Free & fair elections	Watch-dog of merit system	Watch-dog of merit system	Guardian of public purse
Composition	One CEC; such number of other ECs as President may fix	President decides number of members	Governor decides number of members	One
Qualifications		50% members should have been govt. servant for 10 years	50% members should have been govt. servant for 10 years	
Selection committee	None	None	None	None
Appointed by	President	President	Governor	President
Salary & allowances	Like SC judge	Like CEC and ECs; charged on CFI	Charged on CFS	Like SC judge; charged on CFI
Service conditions	Determined by President	Determined by President	Determined by Governor	Determined by Parliament
Term; Ret. age	6, 65	6, 65	6, 62	6, 65
Removal	Like SC judge	President; or President after taking SC's advice	Same as UPSC	Like SC Judge
Can be reappointed?	Yes	No	No	No
Can get post retirement govt. employment?	Yes	Chairman: No Members: No, except Chairman of UPSC/SPSC	No, but: Can be chairman or member of UPSC or chairman of SPSC	No

Some Statutory bodies

	CIC	SIC	NHRC	SHRC	CVC	Lokpal
Law	RTI Act, 2005	RTI Act, 2005	Protection of Human Rights Act, 1993	Protection of Human Rights Act, 1993	Central Vigilance Commission Act, 2003 1964	Lokpal and Lokayukta Act, 2013
Purpose	Complaints/ appeals	Complaints/ appeals	Watch-dog of human rights	Watch-dog of human rights	Anti-corruption	Anti-corruption
Composition	1 + 10	1 + 10	1 + 5 + 7	1 + 2	1 + 2	1 + 8
Qualifications			Retd. CJ or Judge of SC	Retd. CJ or Judge of HC		Retd. CJ or Judge of SC or eminent person
Selection committee	PM; Cabinet Minister; LoP in LS	CM; Cabinet Minister; LoP in SLA	PM, HM LS: Speaker, LoP RS: Dy Ch. , LoP	CM, HM SLA: Speaker, LoP SLC: Chairman, LoP	PM; HM; LoP in LS	PM; CJI; LS Speaker; LS LoP; eminent jurist
Appointed by	President	Governor	President	Governor	President	President
Salary & allowances	Determined by Central govt.	Determined by Central govt.	Determined by Central govt.	Determined by State govt.	Same as UPSC	Same as SC CJ or Judge
Service conditions	Determined by Central govt.	Determined by Central govt.	Determined by Central govt.	Determined by State govt.	Same as UPSC	Same as SC CJ or Judge
Term; Ret. age	Central govt.; 65	Central govt.; 65	3, 70	3, 70	4, 65	5, 70
Removal	President	Governor	President	Same as NHRC	President	President
Can be reappointed?	No	No	Yes	Yes	No	No
Can get post retirement govt. employment?			No	No	No	No

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