

6. Central Government

Very Short Answer

1. Question

Who appoints the Prime Minister?

Answer

The Prime Minister is the executive head of the country. He belongs to the party that had won a majority of votes in the Lok Sabha election. He is appointed by the President of India for the term of 5 years.

2. Question

On which method is the election of the President of India based?

Answer

The President of India is elected indirectly by the members of the electoral college. This consists of the elected members of both the houses of Parliament and an elected member of state legislative assemblies. The President is elected by means of the single transferable vote, and the voting is by the secret ballot.

3. Question

Who is the Ex-officio Chairman of the Rajya Sabha?

Answer

The Vice President of India is the ex officio chairman of the Rajya Sabha. He is elected by means of the single transferable vote, and the voting is by the secret ballot.

4. Question

Who is the Chairman of the Union Cabinet?

Answer

The Prime minister of India is the Chairman of the Union Cabinet.

- a. The cabinet is a small body that consists of 15 to 20 ministers.
- b. It is part of the Council of ministers. It includes only the cabinet minister.
- c. It is a body that meets frequently to take decisions regarding the transaction of government business.

d. All the important decisions are taken by the cabinet, and it is chaired by the Prime Minister of India.

5. Question

What is the order called that the President issues during the special circumstance in Parliament Session?

Answer

Orders issued during special circumstance in Parliament by the President is called Ordinances.

- a. The Ordinances are promulgated when both or one of the houses of Parliament are not in session.
- b. The ordinances have the same effect as an Act of Parliament, but it is a temporary law.
- c. The ordinances are promulgated only when none of the houses of Parliament is in session, or either of the houses is not in session.
- d. The President can promulgate the ordinance only on the advice of Council of minister headed by the Prime Minister.
- e. The ordinance can be withdrawn any time by the President.

6. Question

In relation to which matter both the Supreme Court and the High Court have original jurisdiction?

Answer

Original Jurisdiction means that the Supreme Court or the High Court can hear the cases in the first instance and not by appeal.

The original jurisdiction of both the Supreme Court and high court are in the following matters:

- a. The dispute arising out of any treaty, agreement, etc.
- b. Interstate water dispute.
- c. Financial matters like expenses and pensions.

7. Question

For at least how long the Indian citizen who has advocated in Supreme Court can be appointed a Judge in Supreme Court?

Answer

The person must have advocated in the high court for 10 years to be appointed as the judge of the Supreme Court. Other criteria of eligibility

include he/she should be a judge of one high court or more (continuously), for at least five years, or a distinguished jurist, in the opinion of the President.

8. Question

Once appointed, the judge of the Supreme Court can remain in his post till how many years of age?

Answer

The Judges of the Supreme Court are appointed by the President. They are appointed after consulting the Chief Justice and other judges of Supreme Court.

- a. The Judges are appointed and held the office until they attain 65 years of age.
- b. He can resign his office by writing to the President.
- c. He can be removed by the President on the recommendation of Parliament.

9. Question

What is the meaning of 'Record Court'/'Court of Record'?

Answer

The judgments and the proceedings of the Supreme Court are recorded for memory and testimony. Hence the Supreme Court is called a court of Record.

- a. These records are used as testimony in further cases, and they cannot be questioned before any court.
- b. Any disobedience to such record or judgment is a punishable offense.

Short Answer

1. Question

Describe the Vice-Presidential Election method.

Answer

Vice President is elected by the method of indirect election. The members of an electoral college consisting of the members of both the houses of Parliament. The **election** is in accordance with the **system** of proportional representation by means of the single transferable vote and the **voting** in such **election** is by secret ballot.

2. Question

What qualification is required in a Presidential candidate?

Answer

The candidate applying for the post of President:

- a. must be a citizen of India,
- b. must have completed 35 years of age
- c. should be qualified for the election as a member of Lok Sabha.
- d. Must not hold any office of profit under the government of India.

3. Question

The President can be removed from his post on the basis of which process?

Answer

The President can be removed by the process of impeachment if he violates the constitution. The impeachment can be initiated in either house of the Parliament and must be signed by one-fourth members of the house.

4. Question

Under which Constitutional Article, President can declare an emergency?

Answer

The President can declare 3 types of emergency, National, State, and Financial Emergency. The President can declare a national emergency when he receives a written request by the Council of Minister headed by the Prime Minister.

He declares national emergency under art 352, state emergency under art 356 & 365 and financial emergency under art 360.

5. Question

The value of the vote of each member of Parliament in the election of President and the value of the Note of each member of Legislative Assembly of State and federal assembly can be determined on what basis?

Answer

The value of the vote of the member of the legislative assembly is calculated as

$$= \frac{\text{total population of state}}{\text{total number of elected member in teh state legislative assembly}} \times \frac{1}{1000}$$

The value of the vote of a member of Parliament is calculated as

$$\frac{\text{total value of votes of all MLAs of all state}}{\text{total number of elected members of parliamnet}}$$

6. Question

Describe the appellate jurisdiction of the Supreme Court?

Answer

The lower courts i.e., High court and Subordinate Courts can make an appeal to the SC to hear cases of constitutional, civil and criminal matters.

The Supreme Court hears the civil cases on an appeal when the High court certifies that the particular case involves the question of law that is of general importance and the question needs to be decided by the Supreme Court.

The Supreme Court hears cases of criminal matters on appeal if the high court has reversed an order of an accused person and sentenced him to death and if certifies that the case is fit for appeal to the Supreme Court.

7. Question

Under what circumstances civil and criminal cases can be heard in Supreme Court as an appeal?

Answer

The Supreme Court hears the civil cases on an appeal when the High court certifies that the particular case involves the question of law that is of general importance and the question needs to be decided by the Supreme Court.

The Supreme Court hears cases of criminal matters on appeal if the high court has reversed an order of an accused person and sentenced him to death and if certifies that the case is fit for appeal to the Supreme Court.

8. Question

Why is the Supreme Court called 'Court of Record'?

Answer

The judgments and the proceedings of the Supreme Court are recorded for memory and testimony. Hence the Supreme Court is called a court of Record.

9. Question

How and by whom can the judge of the Supreme Court and the High court be removed?

Answer

the judges of the Supreme Court can be removed by the President after such an order is presented by the Parliament.

The grounds on which the Judges could be removed are proved misbehavior or incapacity to hold the office further.

- a. The address of removal must be supported by a special majority of each house of Parliament.
- b. The special majority means the majority of total membership of that house and majority of not less than two-thirds of the members of the house.
- c. A committee consisting of Chief Justice of Supreme Court and High Court and distinguished jurist is formed.
- d. The committee enquires whether the judge is guilty or not.
- e. Then the motion has to be passed by the house with a special majority.
- f. The President passes an order of his removal.

10. Question

Clarify the importance of 'Judicial Review'.

Answer

Judicial Review is the power of the Supreme Court to examine the constitutionality of the legislative and executive orders of both central and state government. If after the examination they find the orders violating the constitution then the order is declared as illegal.

Long Answer

1. Question

Explain the process of election of the President of India in detail.

Answer

The President of India is elected indirectly by the members of the electoral college. This consists of the elected members of both the houses of Parliament and an elected member of state legislative assemblies. The President is elected by means of the single transferable vote, and the voting is by the secret ballot.

The candidate that gets the highest number of votes is elected as the President by the Chief Justice of India for the term of 5 years.

The candidate applying for the post of the President must be a citizen of India, must have completed 35 years of age and should be qualified for the election as a member of Lok Sabha.

2. Question

Describe the power and right of the President during the general period.

Answer

The powers enjoyed by the President are:

- a. All executive actions of the government of India are taken under his name.
- b. He appoints the Prime Minister, Attorney general, Election Commissioner and so on.
- c. He can summon, prorogue the Parliament and dissolve the Lok Sabha.
- d. He summons the joint sitting of the Parliament.
- e. He nominates 12 members of the Rajya Sabha.
- f. His prior recommendation is required to introduce certain types of bills in Parliament.
- g. He constitutes finance commissions after every five years.
- h. He appoints chief Justice and judges of the supreme and high court.
- i. He can remit death sentences.

3. Question

Discuss the President's emergency powers.

Answer

The powers enjoyed by the President during Emergency are:

- a. The President can declare 3 types of emergency, National, State, and Financial Emergency.
- b. The President can declare a national emergency when he receives a written request by the Council of Ministers headed by the Prime Minister.
- c. State Emergency is also called as President's Rule, due to the failure of constitutional machinery in the state. The governor of that state administers the state in the name of President. During this period the Parliament can make laws on the matters of subject list.
- d. Financial Emergency is declared by the President when he is satisfied that the financial stability of the nation is threatened. All the financial powers are subsumed by the President.

4. Question

Discuss the formation of the cabinet and its powers.

Answer

Cabinet is a small body that consists of 15 to 20 ministers. It is part of the Council of ministers.

Powers of the cabinet are:

- a. It is the highest decision making the body in the political-administrative system.
- b. It formulates major government's policies.
- c. It is the supreme executive authority of the central government.
- d. It advises the President and this advice are binding in nature.
- e. It deals with financial and legislative matters.

5. Question

Describe the organization, jurisdiction, and powers of the Supreme Court.

Answer

The Supreme Court is at the top of the integrated judiciary system.

Organization:

- a. The Supreme Court consists of 30 judges and 1 chief justice of India.
- b. They are appointed by the President of India.
- c. They attain the office until 65 years of age.

Jurisdiction:

Original Jurisdiction:

- a. The disputes Between the Government of India and one or more states.
- b. The disputes Between the Government of India and any state or states or one side and one or more other states on the other.
- c. The disputes between two or more states.
- d. The dispute arising out of any treaty, agreement, etc.
- e. Interstate water dispute.
- f. Financial matters like expenses and pensions.

Appellate jurisdiction:

- a. if the High Court certifies that the case involves a substantial question of law as to the interpretation of this constitution.
- b. If High Court certifies that in the opinion of the High Court the said question needs to be decided by the Supreme Court.
- c. When High Court has on appeal reversed an order of acquittal of an accused person and sentenced him to death.

Writ Jurisdiction:

- a. A writ is a directive issued by the Supreme Court and High Courts in India to carry out their directives for the enforcement of the fundamental right
- b. The Supreme Court can issue writs only for the enforcement of fundamental rights under Article 32.

Advisory Jurisdiction

- a. President can refer to court either on a question of law or on a question of fact provided it is of public importance.
- b. The President is empowered to refer to SC for its opinion regarding disputes, arising out of provisions of a treaty, agreement, etc.

Powers:

- a. Judicial review is the power of the constitution where it can review the legality of the executive orders.
- b. It decides the disputes regarding the election of the President and the Vice President.

6. Question

Describe the Organisation and Jurisdiction of the Supreme Court.

Answer

The Supreme Court is at the top in the integrated judiciary system. The Supreme Court consists of one chief justice and 30 other judges.

Organization:

- a. The Supreme Court consists of 30 judges and 1 chief justice of India.
- b. They are appointed by the President of India.
- c. They attain the office until 65 years of age.

Jurisdiction:

- a. The SC decides disputes between the center and states, between states.
- b. If any fundamental right of any person is violated, the Sc can issue writs in such cases.

The lower courts i.e., High court and Subordinate Courts can make an appeal to the Sc to hear cases of constitutional, civil and criminal matters.