

## PTS 2020 | SFG/RLG - 2 | TEST 8 - Solution | ForumIAS

**Q.1) Exp)** The Legislative Assembly of Delhi is empowered to make laws on every subject of State List and Concurrent List of Schedule 7, except Police, Public Order and Land, as provided under article 239AA.

<https://www.mea.gov.in/Images/pdf1/S7.pdf>

**Q.2) Exp) Statement 1 is incorrect.** The Governor of the State (not the President) is empowered to direct that an act of Parliament does not apply to a scheduled area in the state or apply with specified modifications and exceptions.

**Statement 2 is correct.** The President can make regulations for the peace, progress and good government of the four Union Territories—the Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli and Daman and Diu. A regulation so made has the same force and effect as an act of Parliament. It may also repeal or amend any act of Parliament in relation to these union territories.

**Statement 3 is incorrect.** In the case of the Sixth Schedule areas of Assam, the Governor of Assam may direct that an act of Parliament does not apply to a tribal area (autonomous district) in the state or apply with specified modifications and exceptions. The President enjoys the same power with respect to tribal areas (autonomous districts) in Meghalaya, Tripura, and Mizoram only.

**Q.3) Exp) Statement 1 is correct.** A state legislature can make laws for the whole or any part of the state. The laws made by a state legislature are not applicable outside the state, **except** when there is a sufficient nexus between the state and the object.

**Statement 2 is correct.** The Constitution defines the territorial limits of the legislative powers vested in the Centre and the states. (Article 245)

**Statement 3 is correct.** The Parliament can make laws for the whole or any part of the territory of India. The territory of India includes the states, the union territories, and any other area for the time being included in the territory of India. (Article 245)

**Q.4) Exp) Statement 1 is incorrect.** The Parliament becomes competent to make laws any matter of the State List, when the Legislatures of **two or more** states pass a resolution requesting the Parliament to enact laws on a matter in the State List.

**Statement 2 is incorrect.** There is no such provision of special ordinance in national interest.

**Statement 3 is correct.** The Parliament can make laws on any matter in the State List for implementing the international treaties, agreements or conventions. This provision enables the Central government to fulfil its international obligations and commitments.

**Q.5) Exp) Statement 1 is correct.** When a President's rule is in operation, the state executive is dismissed and the state legislature is either suspended or dissolved. Hence Dissolution of the State Legislative Assembly is **not necessarily** the consequence of the proclamation of the President's Rule in a state.

**Statement 2 is incorrect.** When the President's Rule is imposed in a state, the President dismisses the state council of ministers headed by the chief minister. The state Governor, on behalf of the President, carries on the state administration with the help of the chief secretary of the state or the advisors appointed by the President. Hence, Removal of the Council of Ministers in the State is necessarily the consequences of the proclamation of the President's rule in a State.

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**Statement 3 is correct.** Dissolution of the local bodies is *not necessarily* the consequence of the proclamation of the President's Rule in a state.

**Q.6) Exp) Statement 1 is incorrect.** The Constitution (Thirty-eighth Amendment) Act, 1975 added the provision that the President can issue different proclamations on grounds of war, external aggression, armed rebellion, or imminent danger thereof.

**Statement 2 is incorrect.** The Constitution (Forty-second Amendment) Act, 1976 enabled the President of India to limit the operation of a National Emergency to a specified part of India.

**Q.7) Exp) Statement 1 is correct.** Section 13 of The Jammu and Kashmir Reorganisation Act, 2019 states that "On and from the day of notification of the act, the provisions contained in article 239A, which are applicable to "Union territory of Puducherry", shall also apply to the "Union territory of Jammu and Kashmir"

**Statement 2 is incorrect.** The Council of Ministers shall consist of not more than ten per cent of the total number of members in the Legislative Assembly.

**Statement 3 is incorrect.** The Chief Minister shall be appointed by the Lieutenant Governor and the other Ministers shall be appointed by the Lieutenant Governor on the advice of the Chief Minister.

**Q.8) Exp) Statement 1 is incorrect.** Establishment of a separate development board of Vidarbha region is provided under 371-A. Establishment of a separate development board for Hyderabad-Karnataka region under Article 371-J.

**Statement 2 is incorrect.** There is no such provision under 371-J.

Note: The Article was written as 371-F, which provides for special provisions with respect to the State of Sikkim. However, neither Article 371-F or 371-J contain the provisions as provided in statement 1 or 2 hence the answer stands Neither 1 nor 2 (D).

**Q.9) Exp)** To protect the interest of states in the financial matters, the Constitution lays down that the following bills can be introduced in the Parliament only on the recommendation of the President:

- A bill which imposes or varies any tax or duty in which states are interested;
- A bill which varies the meaning of the expression 'agricultural income' as defined for the purposes of the enactments relating to Indian income tax;
- A bill which affects the principles on which moneys are or may be distributable to states; and
- A bill which imposes any surcharge on any specified tax or duty for the purpose of the Centre.

<https://www.constitution.org/cons/india/p12274.html>

**Q.10) Exp)** The Parliament can make laws on any matter in the State List for implementing the international treaties, agreements or conventions, without the consent of the States. This provision enables the Central government to fulfil its international obligations and commitments.

**Q.11) Exp) Statement 1 is correct.** Coronaviruses (CoV) are a large family of viruses that cause illness ranging from the common cold to more severe diseases such as Middle East Respiratory Syndrome (MERS-CoV) and Severe Acute Respiratory Syndrome (SARS-CoV). A novel coronavirus (nCoV) is a new strain that has not been previously identified in humans.

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**Statement 2 is correct.** The virus that causes bird flu is an influenza A type virus. Bird flu viruses include influenza H5N1, H7N9, H7N7, H5N8, H5N2, and H9N2.

**Q.12) Exp)** Criminal law and procedure, Bankruptcy and insolvency and Weights and measures are included in the Concurrent List.

Public health and sanitation and Relief of the disabled and unemployable are included in the State List.

**Q.13) Exp) Statement 1 is correct.** Under article 358, Fundamental Rights under Article 19 are automatically suspended on declaration of the Emergency on the grounds of External Aggression, war. This provision does not apply to declaration of emergency on grounds of armed rebellion.

**Statement 2 is incorrect.** It is Article 359 which authorises the President to suspend the right to move any court for the enforcement of the Fundamental Rights, except under Article 20 and 21, as notified by the President. Besides, under the Article, the Fundamental Rights as such are not suspended, but only their enforcement. The said rights are theoretically alive but the right to seek remedy is suspended.

**Q.14) Exp)** The freedom guaranteed by Article 301 is a freedom from all restrictions, except those which are provided for in the other provisions (Articles 302 to 305) of Part XIII of the Constitution itself. These are explained below:

**Statement 1 is correct:** Parliament can impose restrictions on the freedom of trade, commerce and intercourse between the states or **within a state** in public interest. But the Parliament cannot give preference to one state over another or discriminate between the states except in the case of scarcity of goods in any part of India.

**Statement 2 is incorrect:** The legislature of a state can impose reasonable restrictions on the freedom of trade, commerce and intercourse with that state or within that state in public interest. But, a bill for this purpose can be introduced in the legislature only with the previous sanction of the President. But **the state legislature cannot give preference to one state over another or discriminate between the states.**

**Statement 3 is correct.** Under article 262, Parliament may provide that neither the Supreme Court nor any other court is to exercise jurisdiction in respect of inter-state water disputes.

**Q.15) Exp) Statement 1 is incorrect.** As per the recent amendment to the India Forest Act, 1927, forest dwellers have the right to sell the bamboos grown outside the forest areas, on private lands or farms.

**Statement 2 is correct.** Minor forest produce has been defined in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, and includes bamboo as a type of minor forest produce.

**Statement 3 is correct.** The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 provides for ownership of minor forest produce to forest dwellers as a matter of right.

**Q.16) Exp) Statement 1 is correct.** Article 352 of the Indian Constitution defines the term 'Cabinet' as the Council consisting of the Prime Minister and other Ministers of Cabinet rank under Article 75

**Statement 2 is incorrect.** The President (and not the Prime Minister) can proclaim a National Emergency only after receiving a written recommendation from the cabinet.

**Q.17) Exp) Statement 1 is correct.** The Constitution provides for grants-in-aid to the states from the Central resources under article 275.

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**Statement 2 is incorrect.** Article 275 empowers the Parliament to make grants (statutory grants) to the states which are in need of financial assistance and not to every state.

**Statement 3 is incorrect.** Article 282 empowers both the Centre and the states to make any grants for any public purpose, even if it is not within their respective legislative competence. Under this provision, the Centre makes grants to the states based on its discretion and not on recommendation of Finance Commission

**Q.18) Exp) Statement 1 is correct.** Article 257(3) of the constitution states that “The executive power of the Union shall also extend to the giving of directions to a State as to the measures to be taken for the protection of the railways within the State.”

**Statement 2 is incorrect.** Article 350A provides that The President can issue directions to any State as he considers necessary to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups.

**Statement 3 is incorrect.** The Parliament is empowered to declare any means of the communication of national importance and not the states. Even if we take the ‘STATE’ in the broader sense it will include the Central Executive and Legislature and State Executive and Legislature. Since only Parliament has power to declare the ACT on National Importance the third statement stands wrong.

**Q.19) Exp) Statement 1 is incorrect.** North-Eastern Council was created by a separate Act of Parliament—the North-Eastern Council Act of 1971. Its members include Assam, Manipur, Mizoram, Arunachal Pradesh, Nagaland, Meghalaya, Tripura and Sikkim.

**Statement 2 is incorrect.** The Union Home Minister is ex-officio Chairman of North Eastern Council (NEC). The Minister of State (Independent Charge), Ministry of DoNER serves as Vice Chairman of the Council.

**Statement 3 is correct.** NEC is a statutory body with Governors and Chief Ministers of all the eight North Eastern States as its Member.

<https://mdoner.gov.in/organisations>

<https://pib.gov.in/newsite/PrintRelease.aspx?relid=179941>

**Q.20) Exp) Fifth Schedule of the Constitution related to the provision of Scheduled Areas, dominated by tribal population.**

**Q.21) Exp) Statement 1 is correct.** The Juvenile Justice Board has been established under the act.

**Statement 2 is incorrect.** Central Adoption Resource Authority was established in 1990, but was given statutory status by the Juvenile Justice (Care and Protection of Children) Act, 2015

**Statement 3 is incorrect.** The National Commission for Protection of Child Rights has been established under the National Commission for Protection of Child Rights Act, 2005.

**Q.22) Exp) Statement 1 is incorrect.** Section 58. (1) The Union territory of Ladakh will be administered by the **President** acting, to such extent as he thinks fit, through a Lieutenant Governor to be appointed by him under article 239.

**Statement 2 is correct.** (2) The President may make regulations for the peace, progress and good government of the Union territory of Ladakh under article 240 of the Constitution of India.

(3) Any regulation so made may repeal or amend any Act made by Parliament or any other law which is for the time being applicable to the Union territory of Ladakh and, when



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promulgated by the President, shall have the same force and effect as an Act of Parliament which applies to the Union territory of Ladakh.

**Statement 3 is correct.** (4) The Lieutenant Governor shall be assisted by advisor(s) to be appointed by the Central Government

**Q.23) Exp) Statement 1 is correct.** President may, with the consent of the state government, entrust to that government any of the executive functions of the Centre. The Constitution also makes a provision for the entrustment of the executive functions of the Centre to a state without the consent of that state. But, in this case, the delegation is by the Parliament and not by the President

**Statement 2 is incorrect.** The Governor of the state can entrust executive functions of State centre only with centre's consent. The Legislative Assembly of a state does not have the power to entrust executive functions of the State to the Centre.

**Q.24) Exp) Statement 1 is correct.** Both Dadra and Nagar Haveli and Daman and Diu were Portuguese colonies before the Indian Independence.

**Statement 2 is incorrect.** The merger of two Union territories does not require Constitutional Amendment Act under article 368 of the constitution. It can be done by an act of Parliament under Article 3.

**Statement 3 is correct.** The newly merged Union Territory shall be allocated two seats in the House of the People through an amendment to the First Schedule to the Representation of the People Act, 1950.

**Q.25) Exp)** That the Governor should be an eminent person from outside the State and should be a detached figure without intense political links or should not have taken part in politics in the recent past, is one of the recommendations of the Sarkaria Commission (1983). It will ensure a politically neutral person is appointed at the post rather than mere agent of the centre, and prevent instances of political bias.

**Q.26) Exp) Statement 1 is incorrect:** There is no provision of joint sitting of the houses in cases of deadlock regarding approval of national emergency. It has to be approved by both the houses separately.

**Statement 2 is correct:** If approved by both the Houses of Parliament, the emergency continues for six months, and can be extended to an indefinite period with an approval of the Parliament for every six months.

**Statement 3 is incorrect:** The President must revoke a proclamation if the Lok Sabha passes a resolution disapproving its continuation by a simple majority.

**Q.27) Exp) Statement 1 is correct.** The corporations or the companies created by the Central government are not immune from state taxation or local taxation. The reason is that a corporation or a company is a separate legal entity.

**Statement 2 is correct.** The Supreme Court, in an advisory opinion (1963), held that the immunity granted to a state in respect of Central taxation does not extend to the duties of customs or duties of excise. In other words, the Centre can impose customs duty on goods imported or exported by a state, or an excise duty on goods produced or manufactured by a state.

**Q.28) Exp) Statement 1 is incorrect.** The assembly can make laws on all the matters of the state list and the concurrent list except on the three matters of public order, police and land.

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**Statement 2 incorrect.** The strength of the Council of Ministers (CoM) is fixed at ten percent of the strength of the Legislative Assembly

**Statement 3 incorrect.** The Chief Minister of Delhi is appointed by the President of India.

**Q.29) Exp) Statement 1 is correct.** As per interpretation of Article 365, whenever a state fails to comply with any direction from the Centre, President's Rule can be imposed in the state.

**Statement 2 is incorrect.** A proclamation imposing President's Rule must be approved by both the Houses of Parliament within two months from the date of its issue.

**Q.30) Exp) Under article 249,** The Parliament of India acquires the power to legislate on any item in the State List in the national interest if a resolution to that effect is passed by the Rajya Sabha by a majority of not less than two-thirds of its members present and voting

**Q.31) Exp) Statement 1 is correct.** The P-waves are similar to sound waves. They travel through gaseous, liquid and solid materials.

**Statement 2 is correct.** S-waves can travel only through solid materials.

**Statement 3 is incorrect.** The direction of vibrations of S-waves is perpendicular to the wave direction in the vertical plane. Hence, they create troughs and crests in the material through which they pass and are more damaging than P-waves.

**Q.32) Exp) Statement 1 is correct.** The proclamation of National Emergency for the first time was issued during the India-China War of 1962 during the Prime Ministership of Jawaharlal Nehru.

**Statement 2 is correct.** No Financial Emergency has been declared so far in India, not even during the 1991 crisis.

**Statement 3 is incorrect.** The President's Rule was imposed for the first time in Punjab in 1951.

**Q.33) Exp) Statement 1 is correct.** Each Zonal council under the act include Administrators of Union Territories lying in the zone as its members.

**Statement 2 is incorrect.** The home minister of Central government is the common chairman of the five zonal councils.

**Statement 3 is correct.** It can make recommendations with regard to matters concerning border disputes, linguistic minorities or inter-state transport. They are only deliberative and advisory bodies.

**Q.34) Exp) Statement 1 is correct.** The Central government can make loans to any state or give guarantees in respect of loans raised by any state. Any sums required for the purpose of making such loans are to be charged on the Consolidated Fund of India.

**Statement 2 is incorrect.** State Government entities can borrow from abroad including from bilateral ODA from other countries.

<https://pib.gov.in/newsite/PrintRelease.aspx?relid=161135>

**Q.35) Exp) A person to be appointed as district judge should have the following qualifications:**

(a) He should not already be in the service of the Central or the state government.

(b) He should have been an advocate or a pleader for seven years.

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(c) He should be recommended by the high court for appointment.

**Q.36) Exp) Statement 1 is incorrect.** The legislative power of a state legislature is not suspended, it becomes subject to the overriding power of the Parliament.

**Statement 2 is incorrect.** The laws made by Parliament on the state subjects during a National Emergency become inoperative six months after the emergency has ceased to operate.

**Statement 3 is correct.** While a proclamation of national emergency is in operation, the President can modify the constitutional distribution of revenues between the centre and the states. This means that the president can either reduce or cancel the transfer of finances from the Centre to the states.

**Q.37) Exp) Statement 1 incorrect** A lieutenant governor of a union territory is an agent of the President and not head of state like a Governor.

**Statement 2 is correct.** The Legislative assembly of Puducherry can make laws on the subjects of the state list and the concurrent list.

**Statement 3 is correct.** Parliament can make laws on any subject of the three lists (including the state list) for the union territory.

**Q.38) Exp) Statement 1 is correct.** As per the definitions of the act, Lieutenant Governor is appointed by the President under article 239 of the Constitution of India.

**Statement 2 is correct.** Section 53(2) of the act: The Lieutenant Governor shall, in the exercise of his functions, act in his discretion in a matter related to All India Services and Anti-Corruption Bureau:

**Statement 3 is correct.** Section 53 of the act, "The validity of anything done by the Lieutenant Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion."

<http://egazette.nic.in/WriteReadData/2019/210407.pdf>

**Q.39) Exp) Statement 1 is correct.** The President can establish such a council if at any time it appears to him that the public interest would be served by its establishment.

**Statement 2 is incorrect.** It is an advisory body.

**Statement 3 is incorrect.** It is chaired by the Home Minister, or the senior most minister in the Cabinet.

**Q.40) Exp) Statement 1 is correct.** The State Government, after consultation with the High Court, may, by notification, establish one or more Gram Nyayalayas for every Panchayat at intermediate level.

**Statement 2 is correct.** The Gram Nyayalaya is a court of Judicial Magistrate of the first class and its presiding officer (Nyayadhikari) is appointed by the State Government in consultation with the High Court.

**Statement 3 is incorrect.** The Gram Nyayalaya can try criminal cases, civil suits, claims or disputes which are specified in the First Schedule and the Second Schedule to the Act.

**Q.41) Exp) All three are famous as the mass nesting site of Olive ridley turtles.**

**Q.42) Exp) Statement 1 is correct.** The tribal areas in only four north-eastern states of Assam, Meghalaya, Mizoram and Tripura, have been constituted as Autonomous Districts under the sixth schedule of Indian Constitution.

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**Statement 2 is incorrect.** The Tribal Advisory Council has been mandated for scheduled areas under the fifth schedule.

**Q.43) Exp) Statement 1 is incorrect.** River Boards Act, 1956 has been enacted to create River Water Boards.

**Statement 2 is correct.** River Boards are to be established by the Central Government on the request of the concerned State Governments.

**Statement 3 is correct.** No River Water Boards have been set up till now in India.

**Q.44) Exp) Vamsadhara River Water Dispute is between Odisha and Andhra Pradesh.**

**Q.45) Exp) Statement 1 is correct.** The President nominates twelve members in Rajya Sabha from amongst persons having special knowledge or practical experience in literature, science, art, and social service.

**Statement 2 is incorrect.** Governor nominates one-sixth of the members of the State Legislative Council from amongst persons having special knowledge in literature, science, art, cooperative movement and social service.

**Q.46) Exp) Statement 1 is correct.** Once approved by both the Houses of Parliament, Financial emergency continues indefinitely till it is revoked.

**Statement 2 is incorrect.** A resolution approving the proclamation of financial emergency has to be passed by either House of Parliament by a simple majority.

**Q.47) Exp) Statement 1 is incorrect.** It was made a full-fledged Indian state by the 36th Amendment Act.

**Statement 2 is correct.** The Governor has the special responsibility for an equitable arrangement for ensuring social and economic advancement of different sections of the Sikkim population, as per Article 371F.

**Q.48) Exp) Statement 1 is incorrect.** The power to alter the boundary lines of the Scheduled Areas declared under the Fifth Schedule of the Indian Constitution lies with the President of India.

**Statement 2 is correct.** The Governor is empowered to organise and re-organise the autonomous districts. Thus, he can increase or decrease their areas or change their names or define their boundaries and so on.

**Statement 3 is correct.** The Governor of Assam can direct that both the Acts of the Parliament and the State Legislature are not applicable to the Autonomous Districts in Assam or applies with some modification.

**Q.49) Exp) Statement 1 is incorrect.** The act empowers the Central Government to set up an ad hoc tribunal for the adjudication of inter-state water disputes.

**Statement 2 is correct.** The decision of the tribunal is final and binding on the parties to the dispute and no appeal lies to the decision of the tribunal in any court, as provided under the act and article 262. However, states can approach the Supreme Court under Article 136 through a Special leave petition.

**Q.50) Exp) Craspedotropis gretathunbergae is a new species of snails named after the Swedish climate activist Greta Thunberg. species comes from tropical rainforests and is sensitive to drought and extreme temperatures, which are likely to be more frequent as climate change continues. Hence the honour to Thunberg, who has been making efforts to raise awareness about climate change.**