

CHAPTER - 4

DISTRIBUTION OF POWER IN THE INDIAN CONSTITUTION

1. "The Constitution of India is described as a 'living document' prepared after detailed studies and discussions. Explain any five major features of the Indian Constitution based on this statement."

Answer

- **The largest written Constitution:** It is a comprehensive and extensive document considering the diversity and vastness of the country.
- **Parliamentary Democracy:** Members of the executive are drawn from the legislature, and the legislature controls the executive.
- **Fundamental Rights and Fundamental Duties:** It guarantees fundamental rights to every individual and lists the responsibilities of citizens towards the state and society.
- **An Independent and Impartial Judiciary:** The judiciary system is free from the control of the legislature and the executive to ensure justice.
- **Rigid and Flexible Structure:** To amend certain provisions, special procedures must be followed, while others can be amended in an ordinary manner.

2. "India that is Bharat, shall be a Union of States." Explain the features of Indian Federalism.

Answer

- **A common Constitution for the centre and the states:** There is one single Constitution for both the Union and the States.
 - **Single citizenship:** The Constitution provides only one citizenship for all people in India.
 - **Division of powers between the centre and states:** Powers are divided between the central government and the state governments.
 - **The centre has an upper hand in the division of powers:** More subjects and key powers are kept with the Centre.
 - **An Independent and Impartial Judiciary:** A judicial system free from the control of the legislature and the executive.
3. Explain the division of powers between the Union and State Governments as mentioned in the Seventh Schedule of the Indian Constitution.

Answer

- **Union List:** This is a list of subjects over which the Union Government has exclusive law-making powers. It includes subjects like Foreign Affairs, Defence, and Railways.
- **State List:** This is a list of subjects over which State governments have legislative powers in normal circumstances. Examples include Agriculture, Police, and Local Government.
- **Concurrent List:** This is a list of subjects over which both the Central and the State Governments have legislative powers. It includes subjects such as Education, Forestry, and Marriage.
- **Residuary Powers:** Subjects not included in the Union, State, or Concurrent lists are called Residuary powers. The legislative power over these items is vested in the Central Government, such as Cyber Laws.

4. What are the main functions of the Indian Parliament?

Answer:

- **Law making:** The Parliament is responsible for creating and passing laws for the country.
- **To control the executive:** The Parliament keeps a check on the activities of the government.
- **Act as a custodian of the public treasury:** It oversees the collection and spending of public money.
- **Constitutional amendment:** It has the power to consider and give assent to changes in the Constitution.
- **Electoral functions:** It participates in the Presidential and Vice Presidential elections.

5. Compare the features of the Lok Sabha and the Rajya Sabha.

Lok Sabha	Rajya Sabha
• It is the lower house of the Parliament. • Members are elected directly by the people on a majority system. • Indian citizens who have completed 25 years of age. • The term of the house is five years. • It is chaired by the Speaker. • Has more powers; Money Bills are presented here.	• It is the upper house of the Parliament. • Members are elected by elected members of State Legislative Assemblies. • Indian citizens who have completed 30 years of age. • It is a permanent house; members are elected for a term of six years. • It is chaired by the Vice President (Ex-officio Chairman). • Has fewer powers on financial matters.

1. Explain the different stages through which a bill becomes a law in the Indian Parliament.

Answer

- **First Reading:** Any bill other than a Money Bill is presented in either house by a Minister or a Private Member.
 - **Second Reading:** The bill is either sent to a committee for examination or debated within the house itself. Changes or amendments can be accepted during this stage.
 - **Third Reading:** At this stage, the house either approves or rejects the bill.
 - **Approval by the Second House:** Once the bill completes all stages in the house where it was introduced, the same process is repeated in the second house.
 - **Presidential Assent:** If both houses agree on the final version, the bill is submitted to the President. Once the President gives assent, the bill officially becomes a law.
- 2. What is a constitutional amendment? Explain the different methods of amendment prescribed by the Constitution of India.**

Answer

- **Definition:** A constitutional amendment involves making corrections, omissions, or additions to the Constitution to meet evolving socio-political needs.
- **Flexible Amendment:** Certain provisions can be amended by the Parliament with a simple majority through procedures similar to ordinary legislation, such as changing the name of states, boundaries, or citizenship.
- **Rigid Amendment:** A special majority of both houses of the Parliament is required to make amendments in important provisions like Fundamental Rights and Directive Principles.
- **More Rigid Amendment:** Very crucial provisions require a special majority of both houses of Parliament along with the approval of not less than half of the states. This method is used for subjects like the division of powers between the Centre and State and the Representation of the Peoples Act.

3. Explain the powers and functions of the President of India.

Answer

- **Executive Head:** The President is the executive head of the State.
- **Legislative Functions:** The President has the power to summon the Parliament and dissolve the Lok Sabha.
- **Appointments:** The President appoints the Prime Minister, Council of Ministers, and judges of the Supreme Court and High Courts.
- **Military Power:** The President acts as the Commander-in-Chief of the defence forces.
- **Emergency Powers:** The President has the authority to make declarations of emergency.

4. Discuss the position and functions of the Prime Minister of India.

Answer

- **Administrative Head:** The Prime Minister is the administrative head of the country.
- **Leader of the Majority:** The Prime Minister is the leader of the party or alliance with a majority in the Lok Sabha.
- **Formation of Ministry:** It is the Prime Minister who forms the Council of Ministers and decides the members of his/her Cabinet.
- **Allocation of Portfolios:** The Prime Minister has the power to change the portfolios of ministers and to include or remove members from the Council of Ministers.
- **Link between President and Parliament:** The Prime Minister acts as the link between the President, the Cabinet, and the Parliament.

5. The Council of Ministers helps the President in the exercise of his/her functions. Explain the various functions of the Council of Ministers.

Answer:

Functions of the Council of Ministers

- Administration of the country
- Formulation of national and foreign policies
- Coordinate the activities of various departments
- Draft bills and ordinances
- Steering the legislative process
- Perform other administrative and welfare functions and maintain foreign relations

6. Describe the structure of the Indian Judicial System and its importance in a democratic system.

Answer

- **Single Integrated System:** India has a single integrated judicial system led by the Supreme Court.
- **Pyramidal Structure:** The judicial system is organized like a pyramid; as you go up, the number of courts decreases and the powers increase.
- **Hierarchy of Courts:** The hierarchy consists of the Supreme Court at the top, followed by High Courts, District Courts, and Subordinate Courts at the base.
- **Protector of the Constitution:** The Judiciary ensures that the functions of the legislative and executive are in accordance with the Constitution.
- **Protecting Rights:** It protects the rights of citizens and upholds constitutional values.

- **Independent and Impartial:** An independent and impartial judiciary is essential for an efficient democratic system.

7. Explain the various jurisdictions and powers of the Supreme Court of India.

Answer

Jurisdictions and Powers of the Supreme Court

- **Original Jurisdiction:** Certain matters which can be resolved only by the Supreme Court come within the ambit of this jurisdiction, such as Centre-State Disputes.
 - **Appellate Jurisdiction:** The Supreme Court is the highest appellate court and has the jurisdiction to entertain appeals against the judgement of any lower court in the country.
 - **Advisory Jurisdiction:** The Supreme Court has a constitutional obligation to give legal advice on any matter demanded by the President.
 - **Writ Jurisdiction:** The Supreme Court has the powers to issue special orders in the form of writs for the protection of fundamental rights when they are violated.
 - **Judicial Review:** Judiciary is the most powerful force in carrying out its role as the guardian of the Constitution with its judicial review. It can examine the constitutionality of any law made in the Parliament or the orders passed by the executive.
- 8. How does the Constitution of India ensure mutual control and balance of power among the three branches of government?**

Answer

The Constitution of India ensures a reasonable mutual control and balance in the exercise of powers to avoid centralisation and maintain democracy.

- **Parliament over Executive & Judiciary:** Parliament controls the Executive through budget approval and question-hour, and controls the Judiciary through the process of impeachment.
- **Judiciary over Parliament & Executive:** The Judiciary controls both the Parliament and the Executive through its Power of Judicial Review.
- **Executive over Parliament & Judiciary:** The Executive controls the Parliament through the approval of bills and controls the Judiciary through the consideration of mercy petitions and the postings and transfer of judges.