

Sdas3 (1) 28

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① (A)

② Habeas corpus

- Latin - to produce the body of
- one of the 5 writs of Indian judicial system
- It order anyone detaining illegally any other person to produce before court.

②

③ Sir B. N. Rau

- constitutional advisor to the constituent Assembly

①

④ Objective Resolution

- moved by Jawaharlal Nehru in the floor of constituent Assembly.
- Date - 13 Dec 1946

②

⑤ Article - 351

(F) - suo moto signifies taking cognizance of the matter by itself.

- e.g. Human Rights Commission can by itself take matters infringing human rights i.e. suo moto cognizance (2)

(G) West Bengal Memorandum

- centre-state relation committee formed by West Bengal gave its recommendation as West Bengal Memorandum. (2)

(H)

(I) Mahila Arthik Vikas Mahamandal

- It is a women self help group
- helps women of rural areas to be financially independent
- played crucial role in women empowerment and upliftment (2)

(T)

MPPSC

- Formed in 1956
- constitutional body (Article 315-323)
- 1st chairman - D.V. Rege.

- (L) Rekha Sharma
- current chairman of women commission
 - National women commission was established as statutory body in 1993.
 - term of chairman and members are 3 years

(M)

(N) Article 371-A

- special provisions for Nagaland state
- it was formed in 1963 - from Assam
- Nagaland is situated in North-East, Kohima being its capital.

(O)

state president's rule

- Article 356 and 365 of constitution first imposed in Punjab state

- ARTICLE 19
- first imposed in Punjab state

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2 (A) 29th constitutional Amendment Act, 1975.

?

(B) - Article 19 of Indian constitution provides freedom of six rights, speech being one of them.

- It is a fundamental right but not qua non (limitless)

qua non^v (limitless)

- It can be restricted so that it does not hurt or harm anyone else

- Example - Speakers are not allowed in school, hospital areas.

- It can also be limited in private property of any person.

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(C) → Centre-state relations are mentioned in constitution under Part XI & XII

- During Emergency the state turns into federal character of the state turns into unified.
- Parliament enacts laws enlisted in state list by Parliament.
- Financial matters of state are scrutinized.
- Although all the actions taken by Parliament stands valid only up to 6 months after emergency has ceased. ~~to stop~~

(D) → The constitution under Part-III of mentions or enlists fundamental rights of Indians

→ Article 32 - provides supreme court original jurisdiction to ensure the protection of fundamental rights

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↓ ensure the protection of
fundamental rights

→ It enshines 5 writs which the highest court of land can issue

- habeas corpus
- mandamus
- prohibition
- certiorari
- quo-warranto

→ The aggrieved person can directly go to Supreme court

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→ B.R. Ambedkar called writs - guarantee of fundamental rights.

(E) Political

→ Political party consists of people with same agenda to participate in governance of people directly through people's representation.

→ To be a national party, Election Commission prescribes the party to gain:-

- * 6% of valid votes in any five or more states in general election to Lok Sabha or 4 states in Lok Sabha from any states.

from any states.

* 27 seats in Lok Sabha at General Election from at least 3 states.

* Recognised as state party in 4 states.

→ Presently there are 7 Recognised Political Parties

(F) → Union Public Service Commission is a constitutional body (315-323)

→ It conducts examination for the filling of Grade-A and B officers of state.

→ It conducts exams like → All India service NDA, Medical, etc.

→ It selects the brightest candidates on the only basis of merit to fill the highest posts in the country

→ Therefore it is called watchdog of merit system.

(G) National Integration Council.

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(H) National Human Rights Commission is a statutory body under Protection of Human Rights Act, 1953

→ It ~~is~~ consist of 13 members and it ~~of~~ submits its annual report to President who in turn puts in front of Parliament or respective state legislature.

→ The report recommends state to take action but, it is not mandatory for state to act upon them.

→ Similarly, it investigates on any human rights infringement as civil court but it does not have power to punish the culprit.

Therefore it is said that National Human Rights Commission is a toothless body.

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(I) Non Government Organizations are voluntary organizations established to benefit the common people.

But ~~at~~ at present, they face problems such as :-

out to the present, many of them
such as :-

* Lack of Funding

- + They depend on grants and contribution.

* Outreach

- They lack nationwide outreach or network.
- They are usually concentrated in rural areas.

* Lack co-ordination

- Between NGO and state
- Between NGO-1 and NGO-2

* Mutual Distrust among them

- Required for implementing a govt. programme.

* Hostility of bureaucrats

- misappropriation..

4

③(A) On the recommendation of Swaran Singh committee, by 42nd constitutional Amendment Act, Indira Gandhi government added Fundamental Duties adopted from the USSR into Indian constitution.

→ It was inducted under Article 31 and original constitution in 1976 had 10 Fundamental Duties

→ Later, by 86th constitutional Amendment Act 2002, 11th Fundamental Duty was also added.

→ The Fundamental duty enshines responsibility as citizen of India, hence it is applicable only to Indian citizens.

→ The Fundamental Duties are

(i) To respect the Constitution, National Flag, National Anthem of India.

(ii) To respect the Indian struggle of freedom and freedom fighters

(iii) To uphold the sovereignty, unity and integrity of India.

... and the constitution whenever called

(iv) to defend the country whenever called upon to do so.

(v) to promote harmony, spirit of brotherhood and protect dignity of women.

(vi) to value and preserve rich heritage of Indian culture

(vii) to protect natural environment

(viii) to develop scientific temper

(ix) to safeguard public property & abjure violence.

(x) to go towards excellence in all directions

(xi) to provide for children's education from 6th to 14 years of age.

They remind citizens that while enjoying rights they owe the country certain duties and are source of inspiration to maintain discipline and commitment.

and are source of inspiration to promote discipline and commitment among citizens.

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② The constitution of India prescribes that under extra-ordinary situation, when administration and control of normal emergency cannot be carried out by normal police force or state government then special measures are taken.

Martial Law	National Emergency
→ Article 34 of constitution	→ Article 352 of the constitution
→ It affects only fundamental rights by imposing restrictions on them.	→ Affects fundamental rights and centre-state relations.
→ Government and courts are suspended during its implementation.	→ Government and courts continue to function.
→ It can be imposed.	→ only 3 grounds for

→ It can be imposed due to any reason especially breakdown of law order machinery.	→ only 3 grounds for implementation - war - external aggression - armed rebellion
→ It is implicit p.e. no special provision for enactment.	→ It is explicit p.e. specific provision in the constitution.

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③ Comptroller and Auditor General is the highest constitutional body to keep and check accounts of union, state and local Govt.

→ Article 148-151 of Part V mentions office of CAG

→ Present CAG is Girish Chandra Murmu.

→ Role →

- * They maintain 3 types of accounts
 - Appropriation Account
 - Finance Account
 - Public sector undertaking Account
- * They act as agent of Parliament and is responsible only to it.
- * He acts as friend of Public Accounts

* He acts as friend of Public Accounts committee of parliament.

* He submits his reports

- central → President

- state - Governor

who then put reports in front of legislature

* He audits receipts and expenditure of all government at various levels and also those bodies who are completely or partially dependent on govt.

* He ascertains the net proceeds of any tax or duty (Article 275)

* For state government he both compiles and audits accounts but in 1976 he was relieved of his compilation duties from centre.

In this respect it differs from United Kingdom from where the office of CAG was adopted in our constituent Assembly, when CAG both compiles and

Assembly, when CAG both complies and audits both accounts of receipts and expenditure from consolidated Fund of Government.

CAG is an independent constitutional body in the field of financial administration and is important for knowing from where the money comes and where does it go.

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(4) Planning Commission was established by Nehru government by executive resolution in 1950 to plan short-term and long-term goals to work by government adopting the USSR model.

→ It was defective in the way, it was unidirectional in command i.e. from top to bottom

→ It did not consider local requirements.

→ It was a multi-level bureaucracy

- It did not consider local requirements.
- It was from top level bureaucrats
- Hence it was disbanded by Modi government on 13 August 2014
- National Institute for Transforming India was established on 1 Jan 2015 by executive resolution
- It has bottom-up approach and supports the principle of co-operative federalism.
- It consolidates plans from village level up wards considering all local factors.
- It also has think tank, expert guidance to help government at each level.
- Hence, it acts as worthy successor of Planning Commission.

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