

## **Class 1**

### **RC Passages based on Constitution of India**

**Students are requested to read all the paragraphs at one go and write summaries of all the paragraphs in not more than 50 words each.**

#### **PASSAGE 1**

The Fundamental Rights do not comprise over a number of important economic and social rights such as the right to work, rest and leisure, education and social security. These rights were conspicuously mentioned in the Constitutions of communist countries like the USSR. The criticism is hardly justified because the State is not in a position to guarantee such rights in practice immediately. The enforcement of the Right to Employment, for instance, would not only involve gigantic resources, but a complete control of all economic activity of the country by the State. Neither of these factors is available in India, characterised as a country with limited resources and a mixed economic structure.

Another criticism points out that the restrictions, exceptions and explanations with which the fundamental rights are hedged around, have the effect of depriving the rights in practices. One member of the Constituent Assembly suggested with unconcealed sarcasm, that Fundamental Rights might be more appropriately entitled, "Limitations on Fundamental Rights". However, the very circumstances in which our country got freedom emphasised the need to spell out restrictions. Another point of criticism is that there is a vast gap between the fundamental rights guaranteed in the Indian Constitution and reality of these rights in India today. It is pointed out that legal costs render the issue of enforcing fundamental rights beyond the means of the ordinary citizen of India – the majority of whom are very poor. It is undeniable that the Fundamental Rights have generally proven useful in protecting the rights of the political opponents of the government against the might of the State. The defects in the enforcement of the rights cannot be ascribed to their existence in the Constitution.

The provision for Preventive Detention and the suspension of Fundamental Rights has also been criticised deeply. Further, critics point out that although Art. 17 has constitutionally prohibited untouchability, the evil still exists in many parts of the country. There is, no doubt, some force in these criticisms but for a correct judgement, the problem must be viewed in a proper perspective. Preventive detention is undoubtedly an unsightly arrangement, but it is also, unfortunately, a necessary provision.

It must be remembered that the Constitution of India was prepared at a time when the country was passing through extraordinary stress and strain. The forces of disintegration that raised their head subsequently and menaced the very existence of the young republic called for drastic measures to ensure the security of the social order. By acting as a deterrent against the would-be malefactors, the provision of Preventive Detention may be said to have helped India's infant democracy to survive.

- 1) What is one criticism of the Fundamental Rights mentioned in the paragraph?**
  - A. They are extensively guaranteed in the Indian Constitution.
  - B. They do not include economic and social rights like the right to work.
  - C. They are fully enforced without any restrictions.
  - D. They are only applicable to political opponents of the government.
- 2) How does the paragraph suggest the criticism of the Fundamental Rights regarding their enforcement?**
  - A. The rights are effectively enforced without any obstacles.
  - B. Legal costs make enforcing these rights unaffordable for many citizens.
  - C. The State ensures complete control over economic activities for their enforcement.
  - D. Preventive detention is cited as a necessary measure for their enforcement.
- 3) Why is the provision for Preventive Detention defended in the paragraph?**
  - A. It is seen as an unsightly but unnecessary measure.
  - B. It effectively eradicates social evils like untouchability.
  - C. It is necessary to ensure the security of the social order during extraordinary circumstances.
  - D. It has no impact on the survival of India's democracy.
- 4) What is highlighted as a significant factor influencing the drafting of the Indian Constitution?**
  - A) The absence of any criticism regarding Fundamental Rights.
  - B) The surplus resources available for enforcing economic and social rights.
  - C) The extraordinary stress and strain the country was undergoing.
  - D) The minimal need for restrictions on Fundamental Rights.

#### **PASSAGE 2**

Even before the Fundamental Duties were injected into the Constitution of India through the 42nd amendment, in the case of Chandra Bhawan v. State of Mysore held, it was stated by Hedge J. that "It is fallacy to think that under our Constitution there are only rights and no duties. Provisions of Part IV enable the legislatures and the Government to impose various duties on the citizens."

The proposal to amend the Constitution in order to bring in the concept of Fundamental Duties was proposed during the national emergency under Indira Gandhi and subsequently a committee was formed with Sardar Swaran Singh as the Chairman, and this committee accordingly came to be known as the Sardar Swaran Singh committee (henceforth 'the Committee'). The 42nd Amendment to the Indian Constitution brought in the concept of Fundamental Duties, which were

added as a recommendation made by the Committee. Broadly speaking, they form a part of non-justifiable duties which exempts them from being liable to be imposed by law. They primarily were implemented with the view of instilling a sense of moral responsibility among the citizens of India.

The initial amendment brought in only ten Fundamental Duties and subsequently the eleventh Fundamental Duty was introduced by the 86th Amendment in 2002 which imposed a duty on every parent or guardian to ensure the education of their children, between the age of six to fourteen years. These Fundamental Duties are in consonance with the mandate laid down under the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights. However, these duties are present in the form of a Code of Conduct thereby making them non-enforceable by law. Also due to the complex terminologies, this has become quite indistinct for the common Indian. One such example being the inability of a common citizen to understand the idea of 'humanism' – these ideas can only be communicated through simplification therefore their implementation remains equally unrealistic.

The Verma Committee, which has made recommendations to the list of the Fundamental Duties, once stated that: "Essentially all that is contained in the fundamental duties is just a codification of tasks integral way of life. Being a significant part of the structure of the Indian Constitution, these reflect the ideas that form a part of the Indian heritage preached by saints and philosophers over a period of many years. The primary objective behind implementation of the same is to ensure proper behaviour by every member of the society which would further ensure societal excellence.

**5) What was the initial response to the introduction of Fundamental Duties in the Indian Constitution?**

- A) They were enforced immediately through legislation.
- B) They were considered irrelevant by the judiciary.
- C) They were suggested by a committee during a national emergency.
- D) They were hailed as a necessary addition to instill moral responsibility.

**6) How were the Fundamental Duties incorporated into the Indian Constitution?**

- A) Through a unanimous decision of the Parliament.
- B) Through the mandate of the Universal Declaration of Human Rights.
- C) Through a constitutional amendment recommended by a committee.
- D) Through executive orders issued by the President.

**7) What was the significance of the 86th Amendment to the Indian Constitution?**

- A) It introduced the concept of Fundamental Duties.
- B) It imposed duties related to education on parents or guardians.
- C) It made Fundamental Duties enforceable by law.
- D) It simplified the complex terminologies of the Constitution.

**8) How are the Fundamental Duties perceived by the Verma Committee?**

- A) As unnecessary additions to the Indian Constitution.
- B) As integral tasks reflecting Indian heritage.
- C) As enforceable laws essential for societal excellence.
- D) As foreign concepts imposed on Indian society.

**PASSAGE 3**

The Citizenship (Amendment) Bill, 2016, has led to protests in the North-East after its passage in the Lok Sabha last week. Opposition to the bill stems from fears that it will give legitimacy to illegal migrants in India. Let's decode the controversy surrounding the bill.

The Citizenship (Amendment) Bill, 2016 aims to provide citizenship to those who had been forced to seek shelter in India because of religious persecution or fear of persecution in their home countries. They are primarily Hindus, Sikhs, Jains, Buddhists, Parsis and Christians from Afghanistan, Pakistan and Bangladesh. This is a drastic change from the provisions of the Citizenship Act of 1955 that label a person an "illegal immigrant" if he or she has entered India without travel documents or has overstayed the date specified in the documents.

The citizenship amendment bill, which was passed by the Lok Sabha, has led to political backlash in Assam and caused unrest in the rest of the North-east, with protests by ethnic Assamese groups. Assamese organizations say that as a result of the bill the burden of illegal migrants will be passed on to the state alone. The bill drew flak from opposition parties in the Rajya Sabha for excluding Muslims from countries such as Nepal and Sri Lanka. These parties are likely to push for the citizenship amendment bill to be referred to a select committee before it is discussed in the Rajya Sabha.

The centre says the amendment is for migrants who came through the eastern and western borders and are staying in India. The burden will be shared by the entire country, with the centre willing to help to implement it.

NRC was updated under the Citizenship Act to wean out illegal immigrants from Bangladesh and other countries. The legacy data—the collective list of the NRC data of 1951 and the electoral rolls till 24 March 1971—is being analysed to update NRC. The amendment paves the way for non-Muslim minorities who came to Assam from Bangladesh between 1 January 1966 and 24 March 1974 to get citizenship. This negates the NRC exercise, say ethnic Assamese groups and regional parties.

The Trinamool Congress accused the Bharatiya Janata Party (BJP) of being "anti-Bengali" after the final draft NRC was published in July last year. To counter the allegation, BJP has decided to highlight the bill in its Lok Sabha poll campaign in West Bengal to garner support from Hindu refugees, who came to the state from Bangladesh. The centre is also trying to woo the ethnic Assamese by promising to look into the Assam Accord of 1985 to ensure that their linguistic and cultural identity will be safeguarded.

**9) What is the primary aim of the Citizenship (Amendment) Bill, 2016?**

- A) To provide citizenship to all migrants regardless of their religion.
- B) To grant citizenship to those fleeing religious persecution from specific countries.
- C) To exclude certain religious groups from seeking shelter in India.
- D) To deport all illegal migrants residing in India.

**10) Why has the passage of the Citizenship (Amendment) Bill, 2016 caused unrest in the North-East?**

- A) Due to concerns about the economic burden on the region.
- B) Because it aims to provide citizenship only to Muslims.
- C) Because it contradicts the provisions of the Citizenship Act of 1955.
- D) Because it threatens the linguistic and cultural identity of the region.

**11) What criticism has the Citizenship (Amendment) Bill faced in the Rajya Sabha?**

- A) It excludes Muslims from countries like Nepal and Sri Lanka.
- B) It fails to address the issue of illegal immigration adequately.
- C) It doesn't provide sufficient support for implementing the bill.
- D) It grants citizenship to migrants without proper documentation.

**12) How does the BJP plan to utilize the Citizenship (Amendment) Bill in West Bengal during elections?**

- A) By advocating for the rights of Bengali Muslims.
- B) By highlighting its anti-immigration stance.
- C) By garnering support from Hindu refugees from Bangladesh.
- D) By emphasizing the protection of linguistic and cultural identities.

**PASSAGE 4**

The President of India, the Lok Sabha, and the Rajya Sabha are collectively known as the Indian Parliament, which is the chief legislative authority in India. The President of India is the head of the Parliament. The Lok Sabha and the Rajya Sabha are the two houses of Parliament, wherein **Lok Sabha** is the lower house of the Parliament and **Rajya Sabha** is the upper house of the Parliament. These two houses of Parliament primarily differ in their powers and functions. The tenure of Lok Sabha is only for five years, after which it dissolves, whereas the Rajya Sabha is a permanent house, but after every two years, one third of its members retire.

The House of People known as Lok Sabha is the lower chamber of Parliament comprises of 552 members in which 530 members are representing States, 20 representing Union Territories and 2 representing the Anglo – Indian Community. Though it is the assembly that represents the people, the representatives of the States and Union Territories are chosen by the individuals who qualify the age of 18 years or above through direct elections while the Hon'ble President of India appoints two members of the Anglo-Indian Community. The allocation of seats in the States is based on the proportion of their population. A number of seats are reserved for the Scheduled Caste and Scheduled Tribes. The Lok Sabha operates for 5 years unless it is dissolved earlier. However, the Parliament can extend such period at the time of any emergency. The first Lok Sabha was constituted in the year 1952 after the first General Election in the year 1951-1952. Recently, the 16th Lok Sabha is elected in May 2014 which is the latest one, having member strength of 545 people at present.

The Council of States commonly known as Rajya Sabha is the upper chamber of Parliament comprises of 250 Members in which 238 members are representing States and Union Territories, while the rest of 12 members are appointed by the Hon'ble President of India. The members of Rajya Sabha are chosen through the indirect method by the elected members of the Legislature of States and Union Territories. The twelve members who are nominated by the President are the ones who gave their contribution in the specific fields. The allocation of seats in the Rajya Sabha is provided in the Fourth Schedule according to which the seat allocation is based on the proportion of the population.

The Rajya Sabha is a permanent assembly which is not a subject of dissolution. However, 33.33% of its members retires biennially i.e. after every second year which is replaced by the new members. The tenure of membership of a member is six years. The present strength of the members of Rajya Sabha is 245.

The points given below are noteworthy so far as the difference between Lok Sabha and Rajya Sabha is concerned: Lok Sabha, as its name suggests, it is the assembly in which the people elect representatives. Rajya Sabha, as its name signifies, is the body in which the representatives are chosen by the elected members of the Assemblies of States and Union Territories. Rajya Sabha is a permanent body while Lok Sabha dissolves after every five years. The speaker is the representative of Lok Sabha. On the other hand, the Vice-President of India is the representative of Rajya Sabha. The maximum members in the Lok Sabha are 552 while they are only 250 in case of Rajya Sabha. For being a member in Lok Sabha, a person must attain a minimum age of 25 years, whereas in the case of Rajya Sabha this age is 30 years. The

introduction of Money Bill is done exclusively in the Lok Sabha, which after the approval Lok Sabha, is sent to Rajya Sabha, for consideration.

The only limitation with the Lok Sabha is that it is a temporary body, which can be operated for five years from the date, it came into force. Although both the bodies constitute the Bicameral-Parliament of India, where the Higher Assembly is the Rajya Sabha, and the Lower Assembly is the Lok Sabha. Joint sittings of both the houses are held when there is a dispute regarding any legislation which is uncommon. However, the number of members of Rajya Sabha are half the members of the Lok Sabha. So the power of Lok Sabha is also twice the power of the Rajya Sabha.

**13) What is the primary difference between the Lok Sabha and the Rajya Sabha?**

- A. Lok Sabha represents states and Union Territories, while Rajya Sabha represents the people.
- B. Lok Sabha is a permanent body, while Rajya Sabha dissolves every five years.
- C. Lok Sabha is the upper house, while Rajya Sabha is the lower house.
- D. Lok Sabha members are elected through indirect methods, while Rajya Sabha members are elected through direct elections.

**14) How are members of the Lok Sabha and the Rajya Sabha chosen?**

- A. Members of both houses are appointed by the President.
- B. Members of Lok Sabha are chosen by the elected members of the Legislature, while members of Rajya Sabha are directly elected by the people.
- C. Members of both houses are elected through direct elections.
- D. Members of Lok Sabha are appointed by the Prime Minister, while members of Rajya Sabha are chosen by the Chief Minister.

**15) What is the tenure of membership for members of the Lok Sabha and the Rajya Sabha?**

- A. Both Lok Sabha and Rajya Sabha members have a tenure of six years.
- B. Lok Sabha members have a tenure of five years, while Rajya Sabha members have a tenure of ten years.
- C. Lok Sabha members have a tenure of five years, while Rajya Sabha members have a tenure of six years.
- D. Lok Sabha members have a permanent tenure, while Rajya Sabha members retire every five years.

**16) Who represents the Lok Sabha and the Rajya Sabha respectively?**

- A. The President of India represents both Lok Sabha and Rajya Sabha.
- B. The Speaker represents Lok Sabha, while the Vice-President of India represents Rajya Sabha.
- C. The Prime Minister represents Lok Sabha, while the Chief Minister represents Rajya Sabha.
- D. The Chief Justice represents Lok Sabha, while the Attorney General represents Rajya Sabha.

**PASSAGE 5**

Black law's dictionary defines emergency "as a failure of social system to deliver reasonable conditions of life". The term emergency may be defined as "circumstances arising suddenly that calls for immediate action by the public authorities under the powers especially granted to them". Dr. B.R Ambedkar claimed that the Indian Federation was unique as during the times of emergency it could convert itself into an entirely unitary system. In India, the emergency provisions are such that the constitution itself enables the federal government acquire the strength of unitary government whenever the situation demands. During such urgent needs all the pacific methods should be exhausted and emergency should also be the last weapon to use as it affects India's federal feature of government.

Article 352 of the Indian Constitution talks about the national emergency, National emergency is imposed whereby there is a grave threat to the security of India or any of its territory due to war, external aggression or armed rebellion. Such emergency shall be imposed by the president on the basis of written request by the council of ministers headed by the Prime Minister. When they are satisfied that there is an eminent danger there of. Every proclamation is required to be laid before each House of Parliament, it will cease to operate after one month from the date of its issue unless in the meantime it is approved by the parliament, the proclamation may continue for a period of 6 months unless revoked by the president. For further continuance of emergency the resolution has to be passed by either house of parliament by a majority of not less than two-third members of the houses. During the times of such emergency the executive, legislative and financial power rests with the centre whereas the state legislature is not suspended. The union government under Art.250 of the constitution gets the power to legislate in regards to subjects enumerated in the state list. Except Art.20 and 21 all the fundamental rights are suspended. Under Art.359 the president may suspend the right to move to the courts for enforcement of fundamental rights during the time of emergency. National emergency has been imposed thrice in the country- in 1962 at time of Chinese aggression, in 1971 during the indo-pak war, in 1975 on the grounds of internal disturbances.

Article 356 talks about the failure of constitutional machinery in state also known as the President's rule. If the president on Governor's report or otherwise is satisfied that the situation has arisen that the government can't be carried in accordance with the constitutional provisions then, he may issue State emergency. President can declare emergency either by the report of Governor or he himself is satisfied that the situation is such that the emergency has to be imposed. But at times, President may declare emergency when a report is not received from the governor. This was done by President Venkataraman in 1991 in the state of Tamil Nadu even though he didn't receive a report from the governor.



After the 42th Amendment of the constitution the state emergency was made immune from judicial review. But later in the 44th Amendment the legality of President's rule could be challenged. The proclamation relating to state emergency shall be laid before each House of Parliament unless both Houses approve it, the emergency shall cease to have effect after the expiry of a period of two months. Further the duration of proclamation can be extended to 6 months each time by both Houses of Parliament passing resolution approving its continuance. Beyond the period of an year the proclamation can only be continued if the Election Commission certifies that it is not possible to hold election in the state or that territory. During the state emergency the Union government has absolute control over the state except the judiciary. If one looks at the past instances of state emergency in the country, three common grounds emerge that have been invoked under Art.356- breakdown of law and order, political instability, corruption and maladministration.

The president under Article 360 of the constitution has the power to declare financial emergency if he is satisfied that the financial stability or the credit of India or any part of its territory is threatened. It has to be laid before both the Houses of Parliament and ceases to operate at the expiration of two months unless meanwhile approved by the resolution of Houses. During the operation of financial emergency, the executive authority of the union extends to the giving of directions to any state to observe certain specified canons or financial propriety and such other directions that the President may find necessary. The directions may include reduction of salaries or allowance of those serving a state, of all those in connection with the affairs of union including judges of high court and Supreme Court. There has been no occasion of financial emergency in India.

**17) According to Black's Law Dictionary, how is an emergency defined?**

- A. A situation demanding immediate action by public authorities.
- B. A failure of the social system to provide basic living conditions.
- C. A sudden crisis requiring urgent response from the government.
- D. A condition arising from war, external aggression, or armed rebellion.

**18) What unique feature did Dr. B.R Ambedkar attribute to the Indian Federation during times of emergency?**

- A. It transforms into a unitary system to address urgent needs.
- B. It enhances the federal features of the government.
- C. It delegates emergency powers to the state governments.
- D. It relies solely on pacific methods to resolve crises.

**19) Under what circumstances can a national emergency be imposed according to Article 352 of the Indian Constitution?**

- A. Internal political instability.
- B. Threat to the financial stability of India.
- C. War, external aggression, or armed rebellion.
- D. Breakdown of law and order in the states.

**20) How is the duration of a proclamation of a state emergency determined according to the Indian Constitution?**

- A. It automatically ceases after one month.
- B. It requires approval from both Houses of Parliament every six months.
- C. It can be extended to six months at a time by both Houses of Parliament.
- D. It can only be continued beyond one year if elections cannot be held in the state.