UNIT–3 : Union Government (PYQ Solution)

AKTU · Constitution of India (BNC501 / BNC601) · Solutions by **Chirag Jain**, Ycotes

SECTION A Answers (≈70 Words Each)

Q1. Define term union executive. (Feb 2024)

The Union Executive is the organ of the Central government that implements laws made by Parliament. It consists of the President (the constitutional head), the Vice-President, the Prime Minister and the Council of Ministers, which aids and advises the President (Article 74). The executive power of the Union vests in the President (Article 53), but in practice it is exercised by the Council of Ministers headed by the Prime Minister, which is collectively responsible to the Lok Sabha. The Attorney General also assists it as legal adviser.

Q2. Explain Judicial review. (Feb 2024)

Judicial review is the power of the courts to examine the constitutionality of laws and executive actions and to declare them void if they violate the Constitution. In India it flows from Articles 13, 32, 226 and 227. The Supreme Court and High Courts can strike down any law that violates Fundamental Rights or exceeds legislative competence. It is part of the basic structure (L. Chandra Kumar, 1997) and protects the supremacy of the Constitution and the rule of law.

SECTION B Answers (≈250 Words Each)

Q1. Explain the legislative powers of the Lok Sabha and discuss its role in financial matters. Write a short note on functions of Lok Sabha. (Jan 2026, Dec 2025, Feb 2024)

The **Lok Sabha** (House of the People) is the lower House of Parliament, with a maximum strength of **550 members** (543 elected at present), elected directly for **five years**. It is the more powerful House.

Legislative powers

- Can make laws on all subjects in the **Union List and Concurrent List** (and State List in special cases such as Emergency).
- **Ordinary Bills** can start in either House, but in case of deadlock a **joint sitting** (Article 108) is held and the Lok Sabha's larger strength usually prevails.
- **Money Bills** can be introduced **only in the Lok Sabha**.
- Passes **Constitutional Amendment Bills** with special majority.
- Can approve or reject an **Ordinance** issued by the President.

Financial powers

- **Money Bill (Article 110):** Rajya Sabha can only recommend changes within 14 days; the Lok Sabha may reject them.
- The **Annual Budget** is presented and passed here. **Demands for Grants** can be voted only by it.
- Controls public expenditure through the **Public Accounts Committee, Estimates Committee and Committee on Public Undertakings**.
- No tax can be levied without its approval.

Other functions

- **Executive control:** the Council of Ministers is **collectively responsible** to it (Article 75); it can remove the government by a **no-confidence motion**. Question Hour, adjournment and cut motions also help.
- **Electoral:** takes part in electing the President and Vice-President.
- **Judicial:** can impeach the President and remove judges with Rajya Sabha.
- **Emergency:** approves proclamations.

Power	Lok Sabha	Rajya Sabha
Money Bill	Introduces and decides	Only recommends
Confidence in ministry	Yes	No

Hence the Lok Sabha is the real centre of law-making and financial control in India.

Q2. How the powers and functions of the President of India is different from that of the President of the United States. (Jan 2026, Dec 2025)

The Indian President is a **constitutional (nominal) head** under a **parliamentary system**, while the US President is a **real executive** under a **presidential system**.

Powers of the Indian President

- **Executive:** all executive action is taken in his name (Art. 53), but he acts on the **aid and advice of the Council of Ministers** (Art. 74; 42nd and 44th Amendments).
- **Legislative:** summons and prorogues Parliament, nominates members, issues **Ordinances** (Art. 123), gives assent to Bills.
- **Financial:** Money Bills only on his recommendation.
- **Judicial:** pardon power (Art. 72).
- **Military:** Supreme Commander of the armed forces.
- **Emergency:** proclaims Emergency, but only on Cabinet's written advice.

Differences

Point	India	USA
Nature	Nominal head	Real head, both head of State and government
Election	Indirect, by Electoral College of elected MPs and MLAs	Indirect through electors, effectively popular
Executive power	Council of Ministers headed by PM	President himself, with Secretaries
Responsibility	Ministers responsible to Lok Sabha	Not responsible to Congress; removed only by impeachment
Term	5 years, re-election allowed	4 years, max two terms
Veto	Suspensive veto, no veto over Constitutional Amendment	Veto overridden by two-thirds of Congress
Appointments	On PM's advice	With Senate confirmation

Thus the Indian President is dignified but limited, while the American President holds actual power with checks and balances.

Q3. Discuss the powers and functions of the Prime Minister with reference to policy formulation and administration. (Jan 2026, Dec 2025)

The **Prime Minister** is the real head of the Union executive and the leader of the majority party in the Lok Sabha. He is appointed by the President (Art. 75) and heads the **Council of Ministers**.

Powers and functions

- **Head of the Council of Ministers:** recommends the appointment of ministers, allocates and reshuffles portfolios, and can ask a minister to resign.
- **Link with President:** the **channel of communication** between the President and the Cabinet (Art. 78).
- **Leader of Lok Sabha:** defends government policy, summons sessions through the President and can recommend dissolution.

Policy formulation

- Chairs **Cabinet meetings** and sets the agenda, so he decides the national policy.

- Heads the **NITI Aayog**, and committees such as the Appointments Committee of the Cabinet, and Political Affairs and Economic Affairs committees.
- Represents India abroad and shapes **foreign and defence policy**.
- Announces major economic and social programmes.

Administration

- Coordinates the work of all ministries, supervised through the **Cabinet Secretariat and PMO**.
- Advises on key appointments such as Governors, Chief Justice and Election Commissioners.
- Handles crises and national security.

He is called the "keystone of the Cabinet arch" (Nehru). His authority depends on party support and the confidence of the Lok Sabha.

Q4. Evaluate the independence of the Supreme Court of India. Discuss the process of appointment of judges there. (Jan 2026, Dec 2025)

The **Supreme Court** is the guardian of the Constitution, so its independence is vital.

Safeguards of independence

- **Security of tenure:** a judge can be removed only by **impeachment**: a motion passed by a special majority in both Houses on grounds of proved misbehaviour or incapacity (Art. 124(4)).
- **Fixed salaries** charged on the **Consolidated Fund of India**, not subject to vote in Parliament, and cannot be reduced except in a financial emergency (Art. 125).
- **Conduct of judges** cannot be discussed in Parliament except during impeachment.
- **Ban on practice** after retirement before any court in India (Art. 124(7)).
- **Power to punish for contempt** (Art. 129) and to **appoint its own staff** (Art. 146).
- **Separation of judiciary from executive** (Art. 50).

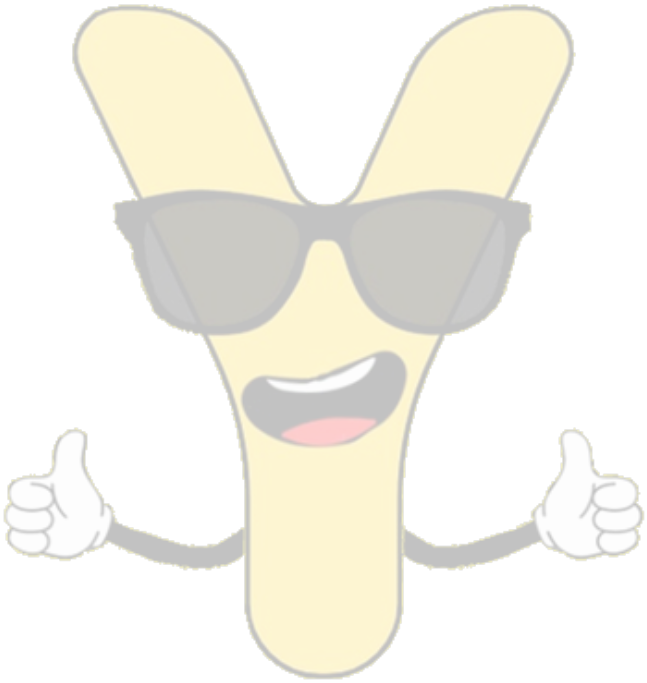
Appointment

- Judges are appointed by the **President** after consulting the Chief Justice and other judges (Art. 124(2)).
- Under the **Collegium system**, developed in the Three Judges Cases (1981, 1993, 1998), the **Chief Justice and four senior-most judges** recommend

names.

- The **Chief Justice** is appointed by convention on seniority.
- Qualifications: citizen of India, High Court judge for 5 years, or advocate for 10 years, or distinguished jurist.
- The **99th Amendment (NJAC)** was struck down in 2015.

Evaluation: the judiciary is largely independent, though criticism of the opaque Collegium, vacancies and pendency continues.



SECTION C Answers (≈500 Words Each)

Q1. Explain the structure of the Indian court system from District Courts to the Supreme Court. (Jan 2026, Dec 2025)

India has a **single integrated judicial system** with a pyramid structure, with the **Supreme Court at the top**, High Courts at State level and subordinate courts at the District level (Part V Ch. IV, Part VI Ch. V).

1. Supreme Court (Arts. 124-147)

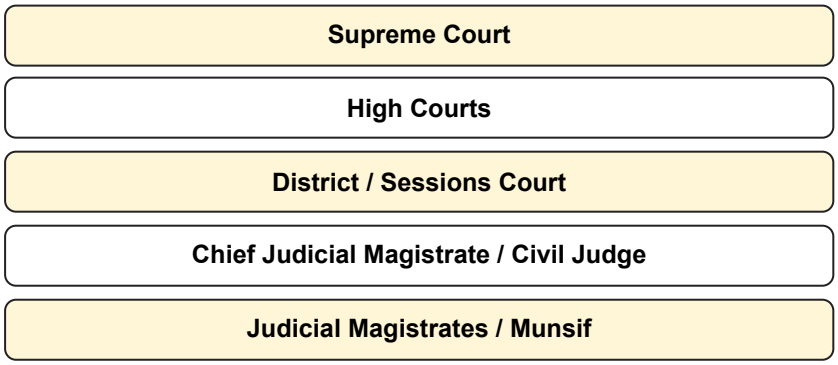
- Highest court, with the **Chief Justice and 33 other judges**.
- **Original** (disputes between Union and States, Art. 131), **appellate** (civil, criminal, constitutional), **advisory** (Art. 143) and **writ** jurisdiction (Art. 32).
- Its law is **binding on all courts** (Art. 141) and it has power of **judicial review**.

2. High Courts (Arts. 214-231)

- One for each State (or group of States); judges appointed by the President.
- **Writ jurisdiction** (Art. 226), appellate jurisdiction over district courts, and **supervision over subordinate courts** (Art. 227).

3. District and Subordinate Courts (Arts. 233-237)

- **Civil side:** District Judge, Civil Judge (Senior Division), Civil Judge (Junior Division).
- **Criminal side:** Sessions Judge, Chief Judicial Magistrate, Judicial Magistrates (First and Second Class).
- Appointed by the Governor in consultation with the High Court.
- Special courts: Family Courts, Fast-track Courts, Lok Adalats, Gram Nyayalayas.



Hierarchy of Indian courts

Appeals: from a magistrate to the Sessions Court, then the High Court, then (by leave or certificate under Art. 134 and 136) to the Supreme Court. Civil appeals flow similarly.

Court	Head	Main role
Supreme Court	Chief Justice of India	Final interpreter of Constitution
High Court	Chief Justice	Appeals, writs, supervision
District Court	District Judge	Trial and first appeals

Conclusion: the integrated structure gives uniformity of law and an unbroken chain of appeal to the apex court.

Q2. Discuss the role of tribunals and consumer forums in providing speedy justice in India. (Jan 2026, Dec 2025)

Regular courts are burdened with pending cases and technical procedure. **Tribunals** and **consumer forums** were created for **quick, inexpensive and expert** justice.

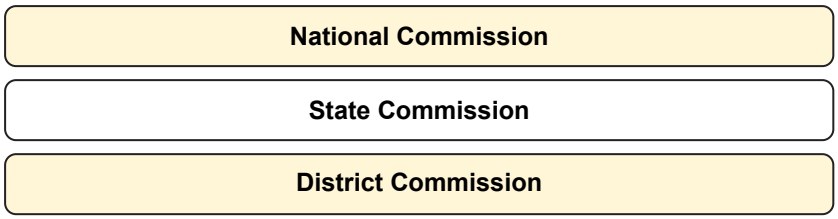
Tribunals (Part XIVA, Arts. 323A and 323B, added by the 42nd Amendment)

- Quasi-judicial bodies with expert members, such as the **Central Administrative Tribunal (CAT)** for service matters of government employees, **National Green Tribunal (NGT)** for environment, **Income Tax Appellate Tribunal (ITAT)**, **NCLT/NCLAT** for company matters, **Armed Forces Tribunal**, **Securities Appellate Tribunal**, and the **Industrial Tribunals**.
- Follow **simplified procedure** and are not bound by the technical rules of the Civil Procedure Code, only by natural justice.
- Their decisions can be reviewed by the High Court (**L. Chandra Kumar, 1997**).
- Benefits: speed, subject expertise and relief to regular courts.

Consumer forums (Consumer Protection Act, 2019)

- **Three-tier** structure: **District Commission** (up to Rs 1 crore), **State Commission** (Rs 1 to 10 crore) and **National Commission** (above Rs 10 crore).
- Handle complaints of **defective goods, deficient services, unfair trade practices and misleading advertisements**.
- **Low fee**, no need of a lawyer, and a time limit of **3 to 5 months** for disposal.
- Remedies: **replacement, refund, compensation, punitive damages**, and discontinuance of unfair practices. Provision of **e-filing** and mediation.

- The **Central Consumer Protection Authority (CCPA)** can recall goods and order class action.



Three-tier consumer forums

Feature	Courts	Tribunals/Forums
Procedure	Formal, technical	Simple, flexible
Cost and time	High, long	Low, quick
Members	Judges	Experts and judicial members

Conclusion: tribunals and consumer forums provide accessible and speedy remedies, though vacancies and delays still affect them.

Q3. Explain the role of information technology in strengthening the judicial system in India. Discuss about the role of I.T. professionals in the judiciary. (Jan 2026, Dec 2025, Feb 2024)

Information Technology (IT) is helping the Indian judiciary to reduce pendency of over four crore cases and to make justice **faster, transparent and accessible**. The **e-Courts Mission Mode Project** of the Supreme Court's e-Committee leads this reform.

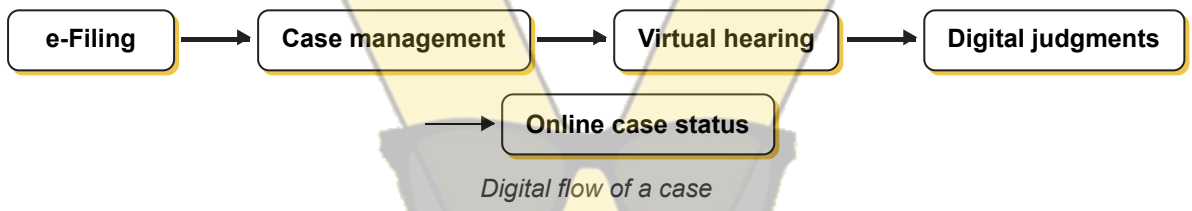
Role of IT

- **Case Information System (CIS)** and **National Judicial Data Grid (NJDG)** show live data on pending and disposed cases of all courts.
- **e-Filing** of petitions and payment of court fees (**e-Court fee**), reducing paper and visits.
- **e-Courts services:** the eCourts app, SMS and email alerts and online case status, cause lists and orders (**Judgments portal**).
- **Video conferencing and virtual courts:** hearings, remote evidence and bail hearings, widely used since COVID-19 (Virtual Courts for traffic challans).
- **Digitisation** of records, and the use of **SUVAS** (AI translation of judgments into regional languages) and **SUPACE** (AI research assistant).

- **Live-streaming** of constitutional bench hearings for transparency.
- **Legal validity of electronic records and digital signatures** under the **IT Act, 2000** and the **Bharatiya Sakshya Adhiniyam, 2023** helps use of electronic evidence.
- **Case management and automated scheduling**, and online dispute resolution.

Role of IT professionals

- **Design and maintain** e-courts software, databases and networks.
- Ensure **cyber security**, data protection and backups of judicial records.
- Assist as **digital forensic experts** and **expert witnesses** in cybercrime cases (Section 45 of the Evidence Act).
- Train judges, lawyers and staff and give technical help in hearings.
- Build **AI tools** with ethical safeguards, **accessibility** features and regional language support.



Digital flow of a case

Challenges: digital divide, poor connectivity in rural courts, cyber risk and privacy, and lack of training.

Conclusion: IT supports speedy, open and efficient justice, and skilled IT professionals are necessary partners of the judiciary.

Q4. What is judicial activism? Provide examples where judicial activism has impacted governance. Discuss the role and powers of the Lokayukta at the state level. (Jan 2025)

(a) Judicial activism is the proactive role of the judiciary in protecting rights and enforcing the Constitution, going beyond the traditional role of simply interpreting law, in order to fill gaps left by the legislature and executive. It is mainly exercised through **judicial review** and **Public Interest Litigation (PIL)**, pioneered by **Justice P. N. Bhagwati and V. R. Krishna Iyer**. It is opposed to **judicial restraint**; excessive activism is called **judicial overreach**.

Examples

- **Kesavananda Bharati (1973):** basic structure doctrine limits Parliament.

- **Maneka Gandhi (1978):** widened Article 21; procedure must be fair, just and reasonable.
- **Vishaka v. State of Rajasthan (1997):** guidelines against sexual harassment at the workplace, later the POSH Act.
- **M. C. Mehta cases:** environmental protection, closure of polluting units, CNG in Delhi buses.
- **Hussainara Khatoon:** speedy trial and free legal aid for undertrials.
- **Navtej Johar (2018)** and **Puttaswamy (2017)** on privacy.
- **Prakash Singh (2006):** police reforms.

Impact: greater accountability and rights protection, but criticism for crossing the separation of powers.

(b) Lokayukta

- An **anti-corruption ombudsman at State level** under State Lokayukta Acts, first in Maharashtra (1971), and the Lokpal and Lokayuktas Act, 2013 requires every State to have one.
- **Appointment:** by the Governor after consulting the Chief Minister, Chief Justice of the High Court and Leader of Opposition.
- **Composition:** a Lokayukta (usually a retired High Court judge or Chief Justice) and Upa-Lokayuktas; fixed term (usually 5 years or 65 years of age).
- **Powers:** inquires into complaints of **corruption and maladministration** against the Chief Minister (in some States), ministers, MLAs and officials; has powers of a **civil court** for summons and evidence; can recommend action, prosecution and **attachment of property**.
- **Limitations:** recommendations are often only advisory, and powers vary from State to State.

Conclusion: judicial activism strengthens constitutional governance, while the Lokayukta checks corruption at the State level.

Q5. What are the principles taken from decisions of judges constituting binding legal rules? (Feb 2024)

This is the doctrine of **judicial precedent**, called **stare decisis** ("stand by what is decided"). Decisions of higher courts create legal principles that lower courts must follow in similar cases, which makes the law certain and consistent.

Parts of a judgment

- **Ratio decidendi:** the legal principle or reason on which the decision is based. It is **binding**.
- **Obiter dicta:** remarks made in passing. They have only **persuasive** value.

Binding nature in India

- **Article 141:** the law declared by the **Supreme Court is binding on all courts** in India.
- **High Court** decisions bind the subordinate courts in its territory, and are persuasive elsewhere.
- A court is not bound by its own decision absolutely: a larger Bench of the Supreme Court may **overrule** an earlier one.

Types of precedent

- **Binding (authoritative)** and **persuasive** (decisions of foreign courts, other High Courts, Privy Council).
- **Original** (new rule) and **declaratory** (applies existing rule).

Examples: Kesavananda Bharati (basic structure), Vishaka (guidelines), Maneka Gandhi.

Term	Meaning	Effect
Ratio decidendi	Reason for the decision	Binding
Obiter dicta	Incidental remark	Persuasive
Stare decisis	Follow past decisions	Certainty

Importance: it brings certainty and uniformity, saves the time of courts and ensures equal treatment. Its weaknesses are rigidity and growth of too many cases. Thus judicial precedents are an important source of law in India.
