

KAPIL SIKKA

**CRACK UPSC
CSE PRELIMS
2022 THROUGH
MCQS**

COURSE HIGHLIGHTS

- This course will cover all the relevant current affairs according to the changing trend of UPSC Prelims.
- Special focus will be on the Environment and Science & Technology section which comprises 30 to 35 questions directly or indirectly.
- Mostly the topics will be from The Hindu, Indian Express, Yojana and Kurukshetra.
- Static syllabus will be covered on the basis of related current news.
- As in 2021 the questions based on sports were asked, this course will cover the sports section from the prelims perspective.

ABOUT ME



- ✓ Mentoring, guiding and teaching UPSC students since 8 years
- ✓ Polity, Indian Economy, Essay, Internal Security & Post Independence India
- ✓ Teaching Political Science Optional



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221. Which of the following may be affected due to the proclamation of the National Emergency under Article 352 of Indian Constitution?

1. Centre-state relations
2. Tenure of the Lok Sabha and State Legislative Assembly
3. Fundamental Rights
4. Directive Principles of State Policy

Select the correct answer using the code given below:

- | | |
|---------------------|-------------------|
| (a) 1 and 4 only | (b) 2 and 3 only |
| (c) 1, 2 and 3 only | (d) 1, 2, 3 and 4 |

Ans. (c)

Explanation:

Answer specific

- **Statement 4 is wrong as Directive Principles of State Policy are not enforceable in the courts and hence are not affected by National Emergency under Article 352.**
- All other statements are true.

More on the topic

A proclamation of Emergency has drastic and wide-ranging effects on the political system. These consequences can be grouped into three categories:

- **Effect on the Centre-state relations: This can be studied under three heads, namely, executive, legislative and financial.**
 - (a) Executive: During a national emergency, the executive power of the Centre extends to directing any state regarding the manner in which its executive power is to be exercised.
 - (b) Legislative: During a national emergency, the Parliament becomes empowered to make laws on any subject mentioned in the State List.
 - (c) Financial: While a proclamation of national emergency is in operation, the President can modify the constitutional distribution of revenues between the centre and the states.

- **Effect on the life of the Lok Sabha and State Assembly:**

While a proclamation of National Emergency is in operation, the life of the Lok Sabha or a State Legislative Assembly may be extended beyond its normal term (five years) by a law of Parliament for one year at a time (for any length of time). However, this extension cannot continue beyond a period of six months after the emergency has ceased to operate.

- **Effect on the Fundamental Rights:**

- (a) Suspension of Fundamental Rights under Article 19: According to Article 358, when a proclamation of national emergency is made, the six Fundamental Rights under Article 19 is automatically suspended.
- (b) Suspension of other Fundamental Rights: Article 359 authorizes the president to suspend the right to move any court for the enforcement of Fundamental Rights during a National Emergency.

222. Which of the following are the Rights outside Part-III of the Indian Constitution?

1. Universal Adult Suffrage
2. Right to Property
3. No tax except by authority of law
4. Protection against arrest and detention

Select the correct answer using the code given below:

- | | |
|---------------------|-------------------|
| (a) 1 and 4 only | (b) 2 and 3 only |
| (c) 1, 2 and 3 only | (d) 1, 2, 3 and 4 |

Ans. (c)

Explanation:

Answer specific

- **Statement 4 is wrong as protection against arrest and detention in certain cases is a Fundamental Right enshrined in Article 22 which is inside Part III of Indian Constitution. The Fundamental Rights are enshrined in Part III of the Constitution from Articles 12 to 35.**
- According to Article 326, the elections to the Lok Sabha and the State Legislative Assembly shall be on the basis of adult suffrage.

So statement 1 is correct because Article 326 is outside Part III (Articles 12 to 35) of the Constitution.

- According to Article 300-A, no person shall be deprived of his property save by authority of law. **So statement 2 is correct because Article 300-A is outside Part III (Articles 12 to 35) of the Constitution.**
- According to Article 265, no tax shall be levied or collected except by authority of law. **So statement 3 is correct because Article 265 is outside Part III (Articles 12 to 35) of the Constitution.**

- Further, all constitutional rights are not Fundamental Rights. A Fundamental Right cannot be waived. An ordinary legal right can be waived by an individual.

More on the topic

Difference between Fundamental Rights and Legal Rights

- The legal rights are protected by an ordinary law, but they can be altered or taken away by the legislature by changing that law.
- Fundamental Rights are protected and Guaranteed by the Constitution and they cannot be taken away by an ordinary law enacted by the legislature.

- If a legal right of a person is violated, he can move to an ordinary court, but if a Fundamental Right is violated, the Constitution provides that the affected person may move to High Court or Supreme Court. Here we should note that the Rights to Property was a Fundamental Right before 1978.
- The Constitution (Forty-fourth Amendment) Act, 1978, taken away the Right to Property (Article 31) as a Fundamental Right and was made a legal right under new Article 300A.

223. Which of the following statements is/are correct regarding 'Election Commission of India'?

1. The Chief Election Commissioner and other commissioners enjoy the same status and receive salary and perks as available to Judges of the Supreme Court of India.
2. The Constitution has prescribed the qualifications of the members of the Election Commission.
3. The Chief Election Commissioner and other Commissioners can be removed from his office in the same manner as the Judge of the Supreme Court of India.

Select the correct answer using the code given below:

- (a) 1 only
- (b) 1 and 2 only
- (c) 2 and 3 only
- (d) 1, 2 and 3

Ans. (a)

Explanation:

Answer specific

- **Statement 1 is right.**
- **Statement 2 is wrong as the Constitution has not prescribed the qualifications (legal, educational, administrative or judicial) of the members of the Election Commission.**
- **Statement 3 is wrong as it is only the Chief Election Commissioner who cannot be removed from his office except in the same manner and on the same grounds as a judge of**

Supreme Court. Whereas, any other election commissioner or a regional commissioner cannot be removed from office except on the recommendation of the Chief Election Commissioner.

More on the topic

- Though the constitution has sought to safeguard and ensure the independence and impartiality of the Election Commission, some flaws can be noted, viz.,
 - (a) The Constitution has not prescribed the qualifications (legal, educational, administrative or judicial) of the members of the Election Commission.

- (b) The Constitution has not specified the term of the members of the Election Commission.
- (c) The Constitution has not debarred the retiring election commissioners from any further appointment by the Government.

224. Which of the following is/are the limitations placed on the Attorney General of India?

1. He is debarred from private legal practice.
2. He can neither advice nor defend a case against the Government of India.
3. The various restrictions have been put on him by categorizing him as a government servant.

Select the correct answer using the code given below:

- | | |
|------------------|----------------|
| (a) 1 only | (b) 2 only |
| (c) 2 and 3 only | (d) 1, 2 and 3 |

Ans. (b)

Explanation:

Answer specific

- **Statement 2 is right.**
- **Statement 1 is wrong as he is not debarred from private legal practice.**
- **Statement 3 is wrong as he does not fall in the category of government servants.**

More on the topic

- Following limitations are placed on the Attorney General in order to avoid any complication and conflict of duty:

- He should not advise or hold a brief against the Government of India.
 - He should not advise or hold a brief in cases in which he is called upon to advise or appear for the Government of India.
 - He should not defend accused persons in criminal prosecutions without the permission of the Government of India.
 - He should not accept appointment as a director in any company or corporation without the permission of the Government of India.
- However, the Attorney General is not a full-time counsel for the Government.

225. National Commission for Backward Classes will be given constitutional status by amending the constitution through

- (a) The majority of the total membership of each House and a majority of two-thirds of the members of each House present and voting
- (b) the special majority of the Parliament and also with the consent of half of the state legislatures by a special majority
- (c) the simple majority of the Parliament and also with the consent of half of the state legislatures by a special majority
- (d) the special majority of the Parliament and also with the consent of half of the state legislatures by a simple majority

Ans. (d)

Explanation:

Answer specific

- **Statement (d) is correct as recently in August 2018 the National Commission for Backward Classes** has been passed through the majority of the total membership of each House and a majority of twothirds of the members of each House present and voting. It gets constitutional status when half of the state legislatures passed it by simple majority.

More on the topic

- Parliament has passed Constitution (One Hundred and Twenty-third Amendment) Bill, 2017 that seeks to provide constitutional status to the National Commission for Backward Classes (NCBC).

226. With reference to 'Article 35A', sometimes seen in the news, consider the following statements:

1. Article 35A was inserted in the Constitution of India by constitutional amendment
2. It allows the legislature of Jammu and Kashmir to confer special rights and privileges on the people of the state.

Which of the statements given above is/are correct?

- | | |
|------------------|---------------------|
| (a) 1 only | (b) 2 only |
| (c) Both 1 and 2 | (d) Neither 1 nor 2 |

Ans. (b)

Explanation:

Answer specific

- **Statement 1 is wrong as Article-35A was added through Constitution (Application to Jammu and Kashmir) Order, 1954 issued under Article 370 of Constitution by the President of India and not by amending constitution under Article 368.**
- **Statement 2 is right.**

More on the topic

- Article 35A of the Constitution empowers the Jammu and Kashmir legislature to define Permanent Residents (PR) of state.
- The provision of Permanent Resident bars Indian citizens, other than permanent resident of the Jammu and Kashmir, from settling in the state, acquiring immovable properties, seeking employment or undertaking any trade or business if the state makes any law to that effect and it cannot be challenged before any court. It also denies property rights to a woman who marries a non-permanent resident and her children.

227. the Supreme Court of India pronounced the judgment on decriminalizing homosexuality under Section 377 of the Indian Penal Code because: (Navtej Johar Case)

1. The expression 'sex' used in Articles 15 and 16 is not just limited to biological sex.
2. The Constitution Guaranteed the Right to life and liberty with dignity which was violated by provisions under section 377 of IPC.
3. Gender identity is a wide expression and refers to each person's deeply felt internal and individual experience of gender.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 1 and 2 only
- (c) 2 and 3 only
- (d) 1, 2 and 3

Ans. (d)

Explanation:

Answer specific

- **All the statements are correct.**

More on the topic

- The expression 'sex' used in Articles 15 and 16 **is not just limited to biological sex of male or female but intended to include people who consider themselves to be neither male nor female.** It lays stress on the judicial recognition of such rights as an inextricable component of Article 21 of the Constitution and decries any discrimination as that would offend Article 14 of our Constitution.

- Section 377 goes against recognition of characteristics inherent in all human beings. The right to sexuality, sexual autonomy and freedom to choose a sexual partner form the cornerstone of human dignity. **Section 377 is thus violative of the right of equality, liberty, life, dignity and nondiscrimination on the ground of sex.**
- **Gender identity refers to each person's deeply felt internal and individual experience of gender,** which may or may not correspond with the sex assigned at birth, including the personal sense of the body which may involve a freely chosen, modification of bodily appearance or functions by medical, surgical or other

means and other expressions of gender, including dress, speech and mannerisms. Gender identity, therefore, refers to an individual's self-identification as a man, woman, transgender or other identified category.

228. Which of the following are the features of Federalism in the Indian Constitution?

1. Division of powers
2. Supremacy of Constitution
3. Emergency provisions
4. Bicameralism

Select the correct answer using the code given below:

- | | |
|---------------------|---------------------|
| (a) 1 and 2 only | (b) 1, 3 and 4 only |
| (c) 1, 2 and 4 only | (d) 1, 2, 3 and 4 |

Ans. (c)

Explanation:

Answer specific

- **Statement 3 is wrong as emergency provisions are a unitary or non-federal feature of Indian Constitution.**

More on the topic

- The Indian Constitution stipulates three types of emergencies- National, State and Financial. During an emergency, the Central government becomes all powerful and the states go into the total control of the Centre. It converts the federal structure into a unitary one without a formal amendment of the Constitution. This kind of transformation is not found in any other federation.

Comparison of features of Federal and Unitary Government:

Federal Government Unitary Government

- | | |
|---|--|
| 1. Dual Government (that is, National Government and Regional Government) which may create Regional Governments | 1. Single Government, that is, the National Government |
| 2. Written Constitution | 2. Constitution may be written (France) or unwritten (Britain) |
| 3. Division of powers between the National and Regional Government | 3. No division of powers. All powers are vested in the National Government |

- 4. Supremacy of the Constitution 4. Constitution may be supreme (Japan) or may not be supreme (Britain)
- 5. Rigid Constitution 5. Constitution may be rigid (France) or flexible (Britain)
- 6. Independent Judiciary 6. Judiciary may be independent or may not be independent
- 7. Bicameral Legislature 7. Legislature may be bicameral (Britain) or unicameral (China)

229. Which of the following provision(s) has/have influenced National Register of Citizens (NRC) released by Assam Government?

1. Citizenship Act, 1955
2. Assam Accord of 1985
3. Part II of the Indian Constitution
4. Special status to Assam under Article 371B of Indian constitution

Select the correct answer using the code given below:

- | | |
|---------------------|-------------------|
| (a) 2 only | (b) 1 and 3 only |
| (c) 1, 2 and 3 only | (d) 1, 2, 3 and 4 |

Ans. (c)

Explanation:

Answer specific

- **Statement 4 is wrong as special status to Assam under Article 371B of Indian Constitution is related to the provisions regarding the administration of tribal areas.**

More on the topic

- NRC contains the names of bonafide Indian Citizens of Assam that distinguish them from the foreigners. It is updated periodically.

- It was first updated in 1951 but since then it has been not updated due to various political tensions such as the Assam Movement of 1980s, language movement and other ethnic movements. But now it is being updated in time bound manner after Supreme Court judgment (2014) to incorporate **Assam Accord of 1985 in order to tackle the issue of illegal immigration from Bangladesh.**
- NRC is being updated as per provisions of **Citizenship Act, 1955 and Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003.**

- Further, **the Constitution deals with the citizenship from Articles 5 to 11 under Part II.** It only identifies the persons who became citizens of India at its commencement. It empowers the Parliament to enact a law to provide for such matters and any other matter relating to citizenship. Accordingly, the Parliament has enacted the Citizenship Act, 1955, which has been amended in 1957, 1960, 1985, 1986, 1992, 2003, 2005 and 2015.

230. Recently, the office of the Lt. Governor was in the news. In this context, consider the following statements:

1. The President of India appoints the Chief Minister of Delhi.
2. Lt. Governor can promulgate Ordinances during recess of the assembly.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Ans. (c)

Explanation:

Answer specific

- **All the statements are correct.**

More on the topic

- The Chief Minister of **Delhi is appointed by the President (not by the Lt. Governor)**. The other ministers are appointed by the President on the advice of the Chief Minister. The ministers hold office during the pleasure of the President. The Council of Ministers is collectively responsible to the Assembly.

- The Council of Ministers headed by the Chief Minister aid and advise the Lt. Governor in the exercise of his functions **except in so far as he is required to act in his discretion. In the case of difference** of opinion between the Lt. Governor and his ministers, the Lt. Governor is to refer the matter to the President for decision and act accordingly.
- In case of failure of constitutional machinery, the President can impose his rule in the territory. This can be done on the report of the Lt. Governor or otherwise. This provision resembles Article 356 which deals with the imposition of President's Rule in the states.
- The Lt. Governor is empowered to promulgate Ordinances during recess of the assembly.

Thank you 🌞

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