

It is not vested with the power of disallowance of expenditures by the departments.

16) Consider the following statements

1. Beginning of Parliamentary System in India can be traced back to Indian Council Act, 1861
2. Charter Act of 1833 recommended for the appointment of Macaulay Committee on Indian Civil Service.
3. Charter Act of 1833 deprived the governor of Bombay and Madras of their legislative powers and the Governor General of India was given exclusive legislative powers for the entire British India.

Which of the above statements is/are correct?

- a) 1 only
- b) 2 only
- c) 3 only
- d) None

Solution: c)

Beginning of Parliamentary System in India can be traced back to Charter Act of 1853.

- It separated, for the first time, the legislative and executive functions of the Governor General's council.
- It provided for addition of six new members called legislative councillors to the council.
- Charter Act of 1853 recommended for the appointment of Macaulay Committee on Indian Civil Service.

17) The Parliament under Article 368 can amend any part of the Constitution without affecting 'basic structure' of the Constitution, that includes:

1. Harmony and balance between Fundamental Rights and Directive Principles
2. Principle of equality
3. Free and fair elections
4. Independence of Judiciary

Select the correct answer code:

- a) 1, 2
- b) 1, 3, 4
- c) 2, 4
- d) 1, 2, 3, 4

Solution: d)

Even though the basic structure doctrine was given by the SC, it is yet to define or clarify as to what constitutes the 'basic structure' of the Constitution. It is not mentioned anywhere in the constitution, and our understanding of the basic structure comes from the various judgements of the court.

The following have emerged as 'basic structure' of the Constitution:

- Supremacy of the Constitution; Sovereign, democratic and republican nature of the Indian polity; Secular character of the Constitution
- Separation of powers between the legislature, the executive and the judiciary; Federal character of the Constitution; Unity and integrity of the nation; Welfare state (socio-economic justice)
- Judicial review; Freedom and dignity of the individual; Parliamentary system; Rule of law; Harmony and balance between Fundamental Rights and Directive Principles; Principle of equality
- Free and fair elections; Independence of Judiciary; Limited power of Parliament to amend the Constitution; Effective access to justice; Principle of reasonableness; Powers of the Supreme Court under Articles 32, 136, 141 and 142; Powers of the High Courts under Articles 226 and 227.

18) A Partial Protection against Double Jeopardy is a

- a) Constitutional right
- b) Fundamental right
- c) Provision under CrPC
- d) Judicial convention

Solution: b)