

Q 80.A

- As per **Article 246 (1)** of the Indian Constitution Parliament has exclusive power to make laws with respect to any of the matters enumerated in **List I** in the Seventh Schedule.
 - **List I - Union List:** It includes 100 subjects like defence, **banking**, foreign affairs, **currency and coinage**, atomic energy, insurance and so on.
- According to **Article 246 (3)**, the Legislature of any State has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in **List II** in the Seventh Schedule
 - **List II - State List:** It includes 61 subjects like public order, **agriculture**, prisons, local government, **public health and sanitation** and so on.
- According to **Article 246 (2)**, Parliament, and, subject to clause (1), the Legislature of any State also, have power to make laws with respect to any of the matters enumerated in **List III** in the Seventh Schedule
 - **List III - Union List:** It includes 52 subjects like **education**, electricity, labour welfare, drugs and so on.
 - The **42nd Amendment Act of 1976** transferred five subjects to Concurrent List from State List i.e. **education, forests, weights and measures, protection of wild animals and birds, and administration of justice**; constitution and organisation of all courts except the Supreme Court and the High Courts.

Q 81.B

- **Article 75** clearly states that the **council of ministers is collectively responsible to the Lok Sabha**.
 - This means that all the ministers own joint responsibility to the Lok Sabha for all their acts of omission and commission. They work as a team and swim or sink together.
 - When the **Lok Sabha passes a no-confidence motion** against the council of ministers, all the ministers have to resign including those ministers who are from the Rajya Sabha. **Each minister need not resign separately**, the resignation of the prime minister amounts to the resignation of the entire council of ministers. **Hence statement 1 is not correct.**
 - Alternatively, the council of ministers can advise the president to dissolve the Lok Sabha on the ground that the House does not represent the views of the electorate faithfully and call for fresh elections. The President may not oblige the council of ministers that has lost the confidence of the Lok Sabha.
 - The principle of collective responsibility also means that the **Cabinet's decisions bind all cabinet ministers** (and other ministers) even if they differed in the cabinet meeting. It is the duty of every minister to stand by cabinet decisions and support them both within and outside the Parliament. **If any minister disagrees with a cabinet decision and is not prepared to defend it, he must resign.** Several ministers have resigned in the past owing to their differences with the cabinet. For example, Dr BR Ambedkar resigned because of his differences with his colleagues on the Hindu Code Bill in 1953. **Hence statement 2 is correct.**
- **Article 75** also contains the principle of **individual responsibility**. It states that the ministers hold office during the pleasure of the president, which means that the President can remove a minister even at a time when the council of ministers enjoys the confidence of the Lok Sabha.
- In Britain, every order of the King for any public act is countersigned by a minister. If the order is in violation of any law, the minister would be held responsible and would be liable in the court. The legally accepted phrase in Britain is, "The king can do no wrong." Hence, he cannot be sued in any court.
 - In India, on the other hand, **there is no provision in the Constitution for the system of legal responsibility of a minister**. It is not required that an order of the President for a public act should be countersigned by a minister. **Hence statement 3 is correct.**

Q 82.D

- Articles 153 of the Constitution of India provides for the office of Governor for each state. As per Article 155 and Article 156 of the Constitution, a Governor of a state is an appointee of the President.
- A governor holds office for a term of five years from the date on which he enters his office. However, this term of five years is subject to the pleasure of the President. Further, he can resign at any time by addressing a resignation letter to the President.
- The Supreme Court held that the pleasure of the President is not justifiable. However, the court can require the central government to produce the materials on the basis of which the decision was made in order to verify the presence of compelling reasons and check for any arbitrariness. The governor has no security of tenure and no fixed term of office. He may be removed by the President at any time.