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Q19

Consider the following statements: 1. According to the Constitution of India a person who is eligible to vote can be made a minister in a State for six months even if he/she is not a member of the Legislature of that State 2. According to the Representation of People Act, 1951, a person convicted of a criminal offence and sentenced to imprisonment for five years is permanently disqualified from contesting an election even after his release from prison 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 Official key: D.

UPSC Civil Services Prelims 2020 · General Studies · 2 marks · Polity and Governance

Indian Constitution, polity, rights, governance - Prelims GS Paper I.

Explanation

(a)

1 only. A voter cannot be parked as minister for six months merely on that wording; the six-month rule is about a minister who is not a member of the House.

(b)

2 only. Disqualification after a five-year sentence is for six years from release, not permanent.

(c)

Both. Both fail as keyed.

(d) Official key

Neither. Statement 1 misstates **Article 164(4)/75(5)**. Statement 2's lifelong bar is false under the RPA.

Summary

Official key is (d) neither. A non-member may be a minister for six consecutive months - that is not the same as 'any voter can be made minister'. A conviction with a five-year sentence bars contest for six years after release, not for life.

Related possible facts

These can be asked in a future Prelims paper.

Article 164(4)

Minister who is not a member for six months ceases.

Representation of the People Act (RPA) s.8(3)

Six-year disqualification after release.

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