

Q.1) Consider the following statements with regard to Regulating Act of 1773:

1. The first statute for the governance of India under the direct rule of the British Government was enacted through this Act.
2. This Act is of great constitutional importance as it was the first step taken by the British Government to control and regulate the affairs of the East India Company in India.

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

Q.1) Solution (b)

Regulating Act of 1773

This act is of great constitutional importance as

- (a) it was the first step taken by the British Government to control and regulate the affairs of the East India Company in India;
- (b) it recognised, for the first time, the political and administrative functions of the Company; and
- (c) it laid the foundations of central administration in India.

Hence, from above explanation, **Statement (2) is correct.**

Statement (1) is wrong as the first statute for the governance of India under the direct rule of the British Government was enacted through **Government of India Act 1858.**

Source:

- Indian Polity – M Laxmikanth (Chapter 1: Historical Background)
- Introduction to Indian Constitution – D.D.Basu (Chapter: Historical evolution of the Constitution)

Q.2) Consider the features given below and choose the correct answer:

1. This Act provided for the first time for the association of Indians with the executive Councils of the Viceroy and Governors.
2. This Act introduced a system of communal representation for Muslims by accepting the concept of 'separate electorate'.
3. This Act retained official majority in the Central Legislative Council but allowed the provincial legislative councils to have non-official majority.

The above important features are part of –

- a) Indian Councils Act of 1861
- b) Indian Councils Act of 1892
- c) Indian Councils Act of 1909
- d) Government of India Act of 1919

Q.2) Solution (c)

Features of the Act of 1909 also known as **Morley-Minto Reforms:**

1. It considerably increased the size of the legislative councils, both Central and provincial.
2. It retained official majority in the Central Legislative Council but allowed the provincial legislative councils to have non-official majority.
3. It enlarged the deliberative functions of the legislative councils at both the levels. For example, members were allowed to ask supplementary questions, move resolutions on the budget, and so on.
4. It provided (for the first time) for the association of Indians with the executive Councils of the Viceroy and Governors.
5. It introduced a system of communal representation for Muslims by accepting the concept of 'separate electorate'.
6. It also provided for the separate representation of presidency corporations, chambers of commerce, universities and zamindars.

Source:

- Indian Polity – M Laxmikanth (Chapter 1: Historical Background)
- Introduction to Indian Constitution – D.D.Basu (Chapter: Historical evolution of the Constitution)

Q.3) Which among the following is/are the feature common to both the Indian Federation and the American Federation?

1. Three lists in the Constitution
2. A federal supreme court to interpret the Constitution
3. Single citizenship
4. Appointment of state governors by the Centre

Choose correct option:

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

Q.3) Solution (c)

‘A federal supreme court to interpret the Constitution’ is the only feature common to both the Indian Federation and the American Federation. Hence option (c) is correct answer.

‘Appointment of state governors by the Centre’ feature was borrowed from Canadian Constitution.

‘Single citizenship’ feature was borrowed from the British Constitution. Federal states like US, Switzerland and Australia have dual citizenship

Source:

- Indian Polity – M Laxmikanth (Chapter 3: SALIENT FEATURES OF THE CONSTITUTION)
- Introduction to Indian Constitution – D.D.Basu (Chapter: SALIENT FEATURES OF THE CONSTITUTION)

Q.4) Republic and the ideals of liberty, equality and fraternity in the Preamble were the features borrowed from -

- a) Weimar Constitution of Germany
- b) French Constitution
- c) Irish Constitution
- d) US Constitution

Q.4) Solution (b)

Republic and the ideals of liberty, equality and fraternity in the Preamble are the features borrowed from French Constitution.

Source:

- Indian Polity – M Laxmikanth (Chapter 3: SALIENT FEATURES OF THE CONSTITUTION)
- Introduction to Indian Constitution – D.D.Basu (Chapter: SALIENT FEATURES OF THE CONSTITUTION)

Q.5) The Preamble reveals which among the following ingredients or components -

1. Source of authority of the Constitution
2. Nature of Indian State
3. Objectives of the Constitution
4. Date of adoption of the Constitution

Choose correct option:

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

Q.5) Solution (d)

The Preamble reveals four ingredients or components:

1. **Source of authority of the Constitution:** The Preamble states that the Constitution derives its authority from the people of India.
2. **Nature of Indian State:** It declares India to be of a sovereign, socialist, secular democratic and republican polity.
3. **Objectives of the Constitution:** It specifies justice, liberty, equality and fraternity as the objectives.
4. **Date of adoption of the Constitution:** It stipulates November 26, 1949 as the date.

Source:

- Indian Polity – M Laxmikanth (Chapter 4: Preamble of the Constitution)
- Introduction to Indian Constitution – D.D.Basu (Chapter: The Philosophy of the Constitution)

Q.6) Consider the below statements:

1. The Indian Constitution provides for direct democracy where the people exercise their supreme power.
2. The term ‘democratic’ is used in the Preamble in the broader sense embracing not only political democracy but also social and economic democracy.

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

Q.6) Solution (b)

Democracy is of two types—direct and indirect.

In direct democracy, the people exercise their supreme power directly as is the case in Switzerland. There are four devices of direct democracy, namely, Referendum, Initiative, Recall and Plebiscite.

In indirect democracy, on the other hand, the representatives elected by the people exercise the supreme power and thus carry on the government and make the laws. This type of democracy, also known as representative democracy, is of two kinds—parliamentary and presidential.

The Indian Constitution provides for representative parliamentary democracy under which the executive is responsible to the legislature for all its policies and actions. Hence, **statement (1) is incorrect.**

Universal adult franchise, periodic elections, rule of law, independence of judiciary, and absence of discrimination on certain grounds are the manifestations of the democratic character of the Indian polity.

The term 'democratic' is used in the Preamble in the broader sense embracing not only political democracy but also social and economic democracy. Hence, **Statement (2) is correct.**

Source:

- Indian Polity – M Laxmikanth (Chapter 4: Preamble of the Constitution)

Q.7) In which of the following case, the Supreme Court laid down that the Constitution is federal and characterised federalism as its 'basic feature'?

- a) Bommai case (1994)
- b) Minerva Mills case (1980)
- c) Cooper case (1970)
- d) Shankari Prasad (1951)

Q.7) Solution (a)

In a landmark judgement in **Bommai case (1994)**, the Supreme Court laid down that the Constitution is federal and characterised federalism as its 'basic feature'. Therefore, Option (a) is correct.

Source:

- Indian Polity – M Laxmikanth (Chapter 3: Salient features of Indian Constitution and Chapter 13: Federal System)

Q.8) In addition to the making of the Constitution and enacting of ordinary laws, the Constituent Assembly also performed which of the following functions?

1. Elected Dr. Rajendra Prasad as the first President of India
2. Adopted India's National Anthem and National Song
3. Adopted the National Flag of India
4. Ratified India's membership of the Commonwealth

Select the correct code:

- a) 1,2 and 3
- b) 2,3 and 4
- c) 1,3 and 4
- d) All of the above

Q.8) Solution (d)

In addition to the making of the Constitution and enacting of ordinary laws, the Constituent Assembly also performed the following functions:

- It ratified the India's membership of the Commonwealth in May 1949.
- It adopted the national flag on July 22, 1947.
- It adopted the national anthem on January 24, 1950.
- It adopted the national song on January 24, 1950.
- It elected Dr Rajendra Prasad as the first President of India on January 24, 1950.

Source:

- Indian Polity – M Laxmikanth (Chapter 2: Making of the Constitution)

Q.9) Which Schedule of the Constitution deals with the Division of powers?

- a) Schedule Two
- b) Schedule Four
- c) Schedule Three
- d) None

Q.9) Solution (d)

Seventh Schedule deals with the Division of powers - Union List (for central Govt) 97 Subjects; States List (for State Govt) 66 subjects and Concurrent List (for both Union and States) 47 subjects.

Followings are the schedules in Constitution of India

First Schedule	<ul style="list-style-type: none"> Names of the States and names of Union Territories (UTs) 															
Second Schedule	<ul style="list-style-type: none"> Salary and allowances of President, Governors, Chief Judges, Judges of High Court and Supreme court, Comptroller and Auditor General 															
Third Schedule	<ul style="list-style-type: none"> Forms of Oaths and affirmations 															
Fourth Schedule	<ul style="list-style-type: none"> Allocation of seats in the Rajya Sabha to the states and the union territories. 															
Fifth Schedule	<ul style="list-style-type: none"> Administration and control of scheduled areas and tribes 															
Sixth Schedule	<ul style="list-style-type: none"> Provisions relating to the administration of tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram 															
Seventh Schedule	<ul style="list-style-type: none"> Division of powers <ul style="list-style-type: none"> Union List (for central Govt) 97 Subjects. States List (for State Govt) 66 subjects Concurrent List (for both Union and States) 47 subjects. 															
Eighth Schedule	<ul style="list-style-type: none"> List of 22 languages of India recognized by Constitution <table border="1" data-bbox="448 1278 959 1428"> <tr> <td>1. Assamese</td> <td>2. Bengali</td> <td>3. Gujarati</td> </tr> <tr> <td>4. Hindi</td> <td>5. Kannada</td> <td>6. Kashmiri</td> </tr> </table>	1. Assamese	2. Bengali	3. Gujarati	4. Hindi	5. Kannada	6. Kashmiri									
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	<table border="1" data-bbox="448 1499 1036 1864"> <tr> <td>7. Manipuri</td> <td>8. Malayalam</td> <td>9. Konkani</td> </tr> <tr> <td>10. Marathi</td> <td>11. Nepali</td> <td>12. Oriya</td> </tr> <tr> <td>13. Punjabi</td> <td>14. Sanskrit</td> <td>15. Sindhi</td> </tr> <tr> <td>16. Tamil</td> <td>17. Telugu</td> <td>18. Urdu</td> </tr> <tr> <td>19. Santhali</td> <td>20. Bodo</td> <td>21. Maithili</td> </tr> </table>	7. Manipuri	8. Malayalam	9. Konkani	10. Marathi	11. Nepali	12. Oriya	13. Punjabi	14. Sanskrit	15. Sindhi	16. Tamil	17. Telugu	18. Urdu	19. Santhali	20. Bodo	21. Maithili
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13. Punjabi	14. Sanskrit	15. Sindhi														
16. Tamil	17. Telugu	18. Urdu														
19. Santhali	20. Bodo	21. Maithili														

	<p>22. Dogri</p> <ul style="list-style-type: none"> • Sindhi was added in 1967 by 21 Amendment • Konkani, Manipuri and Nepali were added in 1992 by 71 amendment • Santhali, Maithili, Bodo and Dogri were added in 2003 by 92 amendment
Ninth Schedule	<ul style="list-style-type: none"> • Contains Acts and Regulations dealing with land reforms and abolition of the zamindari system. • This schedule was added by the 1st Amendment (1951) to protect the laws included in it from judicial scrutiny on the ground of violation of fundamental rights. • However, in 2007, the Supreme Court ruled that the laws included in this schedule are now open to judicial review.
Tenth Schedule	<ul style="list-style-type: none"> • Added by 52nd amendment in 1985. Contains provisions of disqualification of grounds of defection
Eleventh Schedule	<ul style="list-style-type: none"> • By 73rd amendment in 1992. Contains provisions of Panchayati Raj.
Twelfth Schedule	<ul style="list-style-type: none"> • By 74th amendment in 1992. Contains provisions of Municipal Corporation.

Source:

- Indian Polity – M Laxmikanth (Chapter 3: SALIENT FEATURES OF THE CONSTITUTION)

Q.10) Consider the following statements:

1. Process for changing the name of a state or its district/villages can be initiated by state only.
2. Formation of new states, altering boundary and name is not considered as Constitutional Amendment under Art 368.
3. Parliament has power to change the name of a state or its districts and villages.

Which of the statements provided above is/are correct?

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

Q.10) Solution (a)

Statement (1) is incorrect because Parliament has the power to “change the name of a state” and it doesn’t matter whether state initiated or not.

Process for changing the name of a state can be initiated by state itself. However, by virtue of article 3, the parliament has power to change the name of a state even if such proposal does not come from the concerned state.

Statement (3) is incorrect because “changing of name of districts/villages involves only the state legislature and not the Parliament”.

Constitution authorises the Parliament to form new states or alter the areas, boundaries or names of the existing states without the consent of concerned state legislature or union territory. In other words, Parliament can redraw the political map of India according to its will. Hence, the territorial integrity or continued existence of any state is not guaranteed by the Constitution.

Constitution (Article 4) itself declares that laws made for admission or establishment of new states (under Article 2) and formation of new states and alteration of areas, boundaries or names of existing states (under Articles 3) are not to be considered as amendments of the Constitution under Article 368. This means that such laws can be passed by a simple majority and by the ordinary legislative process. **Hence, Statement (2) is correct.**

Do you know?

- The Home Ministry examines the proposal for changing the names of villages, cities and railway stations once the proposal is received from the State government.
- In other words, Union Home Ministry approves the change of name and conveys the decision to the State government.
- Between January 2017 and February 2018, Home Ministry has received 27 proposals from States requesting a change of names of villages, towns and railway stations.

Source:

- Indian Polity – M Laxmikanth (Chapter 5: Union and its Territory)
- The Hindu

Q.11) The Indian parliamentary system is different from the British parliamentary system in that India has

1. Republican system
2. Doctrine of the sovereignty of Parliament
3. System of legal responsibility of the minister
4. System of judicial review
5. Both a real and a nominal executive

Select the correct code:

- a) 1, 3 and 4
- b) 4 and 5 only
- c) 2, 4 and 5
- d) 1 and 4 only

Q.11) Solution (d)

The Constitution of India has opted for the British parliamentary System of Government rather than American Presidential System of Government.

The parliamentary system of government in India is largely based on the British parliamentary system. However, it never became a replica of the British system and differs in the following respects:

1. **India has a republican system** in place of **British monarchical system**. In other words, the Head of the State in India (that is, President) is elected, while the Head of the State in Britain (that is, King or Queen) enjoys a hereditary position.
2. The **British system is based on the doctrine of the sovereignty of Parliament**, while the Parliament is not supreme in India and enjoys limited and restricted powers due to a written Constitution, federal system, judicial review and fundamental rights.

3. In Britain, the prime minister should be a member of the Lower House (House of Commons) of the Parliament. In India, the prime minister may be a member of any of the two Houses of Parliament.
4. Usually, the members of Parliament alone are appointed as ministers in Britain. In India, a person who is not a member of Parliament can also be appointed as minister, but for a maximum period of six months.
5. Britain has the system of legal responsibility of the minister while India has no such system.
6. Unlike in Britain, the ministers in India are not required to countersign the official acts of the Head of the State.
7. 'Shadow cabinet' is a unique institution of the British cabinet system. It is formed by the opposition party to balance the ruling cabinet and to prepare its members for future ministerial office. There is no such institution in India.

Source:

- Indian Polity – M Laxmikanth (Chapter 12: Parliamentary System)
- Introduction to Indian Constitution – D.D.Basu (Chapter 4: Outstanding features of our Constitution)

Q.12) The Constitution of India confers which among the following rights and privileges on the citizens of India (and denies the same to aliens)?

1. Equality before law and equal protection of laws
2. Freedom of conscience and free profession, practice and propagation of religion
3. Freedom to manage religious affairs
4. Six basic freedoms subject to reasonable restrictions under Article 19
5. Right of minorities to establish and administer educational institutions

Select the correct code:

- a) 1, 2 and 4
- b) 4 and 5 only
- c) 2, 4 and 5
- d) 3 and 5 only

Q.12) Solution (b)

Constitution confers the following rights and privileges on the citizens of India (and denies the same to aliens):

1. Right against discrimination on grounds of religion, race, caste, sex or place of birth (Article 15).
2. Right to equality of opportunity in the matter of public employment (Article 16).
3. Right to freedom of speech and expression, assembly, association, movement, residence and profession (Article 19).
4. Cultural and educational rights (Articles 29 and 30).
5. Right to vote in elections to the Lok Sabha and state legislative assembly.
6. Right to contest for the membership of the Parliament and the state legislature.
7. Eligibility to hold certain public offices, that is, President of India, Vice-President of India, judges of the Supreme Court and the high courts, governor of states, attorney general of India and advocate general of states.

Source:

- Indian Polity – M Laxmikanth (Chapter 6: Citizenship)

Q.13) Consider the statements given below:

1. In India only a citizen by birth and not a naturalised citizen is eligible for the office of President.
2. The Constitution does not contain provisions dealing with the problem of acquisition or loss of citizenship subsequent to its commencement.

Which of the statement/s given above is/are correct?

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

Q.13) Solution (b)

In India, both a citizen by birth as well as a naturalized citizen are eligible for the office of President while in USA, only a citizen by birth and not a naturalised citizen is eligible for the office of President. Hence, **Statement (1) is wrong.**

Statement (2) is correct as the Constitution contains neither any permanent nor any elaborate provisions with regard to the problem of acquisition or loss of citizenship subsequent to its commencement. It only identifies the persons who became citizens of India at its commencement (i.e., on January 26, 1950).

The Constitution has empowered the Parliament to enact a law to provide for such matters and any other matter relating to citizenship.

Source:

- Indian Polity – M Laxmikanth (Chapter 6: Citizenship)

Q.14) Consider the following:

1. States not indestructible
2. Single Constitution
3. Flexibility of the Constitution
4. Three tier government
5. Integrated Election Machinery

Which of the terms given above are unitary features of the Indian Constitution?

- a) 1, 2 and 4
- b) 2, 3 and 5
- c) 1, 2, 3 and 5
- d) 1, 2 and 5

Q.14) Solution (c)

Indian Constitution possesses the following unitary or non-federal features:

- Strong Centre
- States Not Indestructible
- Single Constitution
- Flexibility of the Constitution
- No Equality of State Representation
- Emergency Provisions
- Single Citizenship

- Integrated Judiciary
- All-India Services
- Integrated Audit Machinery
- Parliament's Authority Over State List
- Appointment of Governor
- Integrated Election Machinery
- Veto Over State Bills

Source:

- Indian Polity – M Laxmikanth (Chapter 13: Federal system)

Q.15) Arrange the below given States in correct chronological sequence based on their creation after the reorganisation of the states in 1956:

1. Haryana
2. Nagaland
3. Gujarat
4. Sikkim

Choose the correct code:

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

Q.15) Solution (b)

Gujarat – In 1960, the bilingual state of Bombay was divided into two separate states— Maharashtra for Marathi-speaking people and Gujarat for Gujarati-speaking people.

Nagaland – In 1963, the State of Nagaland was formed by taking the Naga Hills and Tuensang area out of the state of Assam.

Haryana – In 1966, the State of Punjab was bifurcated to create Haryana and the union territory of Chandigarh.

Sikkim – In 1947, after the lapse of British paramountcy, Sikkim became a ‘protectorate’ of India, whereby the Indian Government assumed responsibility for the defence, external affairs and communications of Sikkim. In 1974, Sikkim expressed its desire for greater association with India.

Source:

- Indian Polity – M Laxmikanth (Chapter 5: Union and its Territory)

Q.16) If any foreign territory becomes a part of India –

- a) Government of India specifies the persons who among the people of the territory shall be the citizens of India.
- b) Automatically all the people belonging to the territory become the citizens of India.
- c) Parliament has to amend the Citizenship Act and make provision for providing citizenship to people of the territory.
- d) People of the territory can acquire citizenship of India by Registration.

Q.16) Solution (a)

If any foreign territory becomes a part of India, the Government of India specifies the persons who among the people of the territory shall be the citizens of India. Such persons become the citizens of India from the notified date. For example, when Pondicherry became a part of India, the Government of India issued the Citizenship (Pondicherry) Order, 1962, under the Citizenship Act, 1955.

Source:

- Indian Polity – M Laxmikanth (Chapter 6: Citizenship)

Q.17) Which among the following powers are granted to the Parliament by Article 2 of the Indian Constitution?

1. power to admit into the Union of India new states
2. power to increase the area of any state
3. power to alter the boundaries of any state
4. power to establish new states which were previously not part of India

Select the correct code:

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

Q.17) Solution (c)

Article 2 empowers the Parliament to ‘admit into the Union of India, or establish, new states on such terms and conditions as it thinks fit’. Thus, Article 2 grants two powers to the Parliament:

- (a) the power to admit into the Union of India new states; and
- (b) the power to establish new states.

The first refers to the admission of states which are already in existence while the second refers to the establishment of states which were not in existence before.

Notably, Article 2 relates to the admission or establishment of new states that are not part of the Union of India.

Article 3, on the other hand, relates to the formation of or changes in the existing states of the Union of India. In other words, Article 3 deals with the internal re-adjustment inter se of the territories of the constituent states of the Union of India.

Source:

- Indian Polity – M Laxmikanth (Chapter 5: Union and its Territory)

Q.18) Consider the following statements:

1. Republic Day is celebrated to commemorate the adoption of constitution.
2. The Beating Retreat ceremony is held after officially denoting the end of Republic Day festivities i.e. evening of 26th January.
3. Beating Retreat ceremony is performed by the bands of the three wings of the military, the Indian Army, Indian Navy and Indian Air Force.

Which of the statement/s given above is/are correct?

- a) 1 and 3

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

Q.18) Solution (b)

Constitution Day (National Law Day), also known as Samvidhan Divas, is celebrated in India on 26 November every year to commemorate the adoption of Constitution of India. Hence, **Statement (1) is wrong.**

On 26 November 1949, the Constituent Assembly of India adopted the Constitution of India, and it came into effect on 26 January 1950.

The Beating Retreat ceremony is held after officially denoting the end of Republic Day festivities. It is conducted on the evening of 29 January, the third day after the Republic Day. Hence, **Statement (2) is wrong.**

Beating Retreat ceremony is performed by the bands of the three wings of the military, the Indian Army, Indian Navy and Indian Air Force. Therefore, **Statement (3) is correct.**

The venue is Raisina Hill and an adjacent square, Vijay Chowk, flanked by the North and South block of the Rashtrapati Bhavan (President's Palace) towards the end of Rajpath. The Chief Guest of the function is the President of India who arrives escorted by the (PBG), a cavalry unit.

Source:

- The Hindu

Q.19) Consider the following statements regarding the states of India:

1. States in India have no right to territorial integrity.
2. Indian Federation is “an indestructible Union of indestructible states”.
3. In order to change the name or boundary of a country ratification of the State Legislature is required.

Which of the above statements is/are correct?

- a) 1 only
- b) 2 and 3 only

- c) 1 and 3 only
- d) None

Q.19) Solution (a)

Unlike in other federations, the states in India have no right to territorial integrity. The Parliament can by unilateral action change the area, boundaries or name of any state. Moreover, it requires only a simple majority and not a special majority. Hence, the Indian Federation is “an indestructible Union of destructible states”. The American Federation, on the other hand, is described as “an indestructible Union of indestructible states”.

Source:

- Indian Polity – M Laxmikanth (Chapter 5: Union and its Territory)

Q.20) The Swaran Singh Committee considered the question of –

- a) Integration of British provinces and the princely states
- b) reorganisation of states on the basis of linguistic factor
- c) the suitability of the Presidential form of government for India
- d) reorganisation of states on the basis of administrative convenience

Q.20) Solution (c)

The Swaran Singh Committee was appointed by the Congress government in 1975 which considered the question of the suitability of the Presidential form of government for India.

The committee gave report in favor of presidential form of government owing to various advantages over presidential form of government. However, the committee also opined that there is no need to replace parliamentary system.

Source:

- The Hindu
- <https://pdpu.ac.in/cce/downloads/Parliamentary%20System.pdf>

Q.21) Dr Ambedkar called it as the most important Article of the Constitution of India — ‘an Article without which the Constitution would be a nullity. It is the very soul of the Constitution and the very heart of it’. Identify the correct article from below options –

- a) Article 13
- b) Article 21
- c) Article 32
- d) Article 51 A

Q.21) Solution (c)

Article 32 under the Constitution of India – Right To Constitutional Remedies

Article 32 of the Indian Constitution gives the right to individuals to move to the Supreme Court to seek justice when they feel that their right has been ‘unduly deprived’.

The apex court is given the authority to issue directions or orders for the execution of any of the rights bestowed by the constitution as it is considered ‘the protector and guarantor of Fundamental Rights’.

Under Article 32, the parliament can also entrust any other court to exercise the power of the Supreme Court, provided that it is within its Jurisdiction. And unless there is some Constitutional amendment, the rights guaranteed by this Article cannot be suspended.

Therefore, we can say that an assured right is guaranteed to individuals for enforcement of fundamental rights by this article as the law provides the right to an individual to directly approach the Supreme Court without following a lengthier process of moving to the lower courts first as the main purpose of Writ Jurisdiction under Article 32 is the enforcement of Fundamental Rights.

Article 32 is known as the “spirit of the constitution and exceptionally heart of it” by Dr. Ambedkar.

Dr Ambedkar stated that:

“If I was asked to name any particular article in this Constitution as the most important- an article without which this Constitution would be a nullity— I could not refer to any other article except this one. It is the very soul of the Constitution and the very heart of it and I am glad that the House has realized its importance.”

Source:

- Indian Polity – M Laxmikanth (Chapter 7: Fundamental Rights)
- Introduction to Indian Constitution – D.D.Basu (Chapter: Fundamental Rights)

Q.22) Consider the following statements:

1. Article 20 deals with protection against arrest and detention in certain cases.
2. The striking feature of the Article 20 is that it can't be suspended during an emergency period.

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

Q.22) Solution (b)

Statement 1 is wrong as Article 22 deals with 'Protection against arrest and detention in certain cases' (not Article 20). Article 20 deals with 'Protection in respect of conviction for offenses'.

Article 20 {Protection in respect of conviction for offenses}

- **Ex Post Facto Legislation:** No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.
- **Immunity from Double Punishment:** No person shall be prosecuted and punished for the same offence more than once.
- **Immunity from Self-Incrimination:** No person accused of any offence shall be compelled to be a witness against himself.

Statement 2 is correct. The striking feature of the Article 20 is that it can't be suspended during an emergency period.

Source:

- Indian Polity – M Laxmikanth (Chapter 7: Fundamental Rights)
- Introduction to Indian Constitution – D.D.Basu (Chapter: Fundamental Rights)

Q.23) Which among the following statements is/are correct about Preventive detention?

1. A detainee under preventive detention can have no right of personal liberty guaranteed by Article 19 or Article 21.
2. The detention of a person cannot exceed three months unless an advisory board reports sufficient cause for extended detention.
3. The detainee is entitled to know the grounds of his detention.

Choose the correct answer:

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

Q.23) Solution (d)

Preventive detention is action taken beforehand to prevent possible commitment of crime. Preventive detention thus is action taken on grounds of suspicion that some wrong actions may be done by the person concerned.

Preventive detention can however be made only on four grounds.

The grounds for Preventive detention are—

- security of state,
- maintenance of public order,
- maintenance of supplies and essential services and defence,
- foreign affairs or security of India.

A person may be detained without trial only on any or some of the above grounds. A detainee under preventive detention can have no right of personal liberty guaranteed by Article 19 or Article 21.

To prevent reckless use of Preventive Detention, certain safeguards are provided in the constitution.

- Firstly, a person may be taken to preventive custody only for 3 months at the first instance. If the period of detention is extended beyond 3 months, the case must be

referred to an Advisory Board consisting of persons with qualifications for appointment as judges of High Courts. It is implicit, that the period of detention may be extended beyond 3 months, only on approval by the Advisory Board.

- Secondly, the detainee is entitled to know the grounds of his detention. The state however may refuse to divulge the grounds of detention if it is in the public interest to do so. Needless to say, this power conferred on the state leaves scope for arbitrary action on the part of the authorities.
- Thirdly, the detaining authorities must give the detainee earliest opportunities for making representation against the detention. These safeguards are designed to minimize the misuse of preventive detention. It is because of these safeguards that preventive detention, basically a denial of liberty, finds a place on the chapter on fundamental rights. These safeguards are not available to enemy aliens.

Source:

- Indian Polity – M Laxmikanth (Chapter 7: Fundamental Rights)
- Introduction to Indian Constitution – D.D.Basu (Chapter: Fundamental Rights)
- The Hindu (Why in news? Since abuse of preventive detention on rise)

Q.24) Consider the following statements about Fundamental Duties (FDs):

1. They were increased to eleven by the 42nd Amendment in 1976.
2. The concept of Fundamental Duties was taken from the constitution of USSR.
3. They are non justifiable and not legally enforceable.

Which of the statements given above is/are correct?

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

Q.24) Solution (c)

The fundamental duties of citizens were added to the constitution by the 42nd Amendment in 1976, upon the recommendations of the Swaran Singh Committee.

Originally ten in number, the fundamental duties were increased to eleven by the 86th Amendment in 2002, which added a duty on every parent or guardian to ensure that their child or ward was provided opportunities for education between the ages of six and fourteen years. **Hence, Statement (1) is wrong.**

The Fundamental Duties in the Indian Constitution are inspired by the Constitution of erstwhile USSR.

Like the Directive Principles, the fundamental duties are also non-justiciable. The Constitution does not provide for their direct enforcement by the courts. Moreover, there is not legal sanction against their violation. However, the Parliament is free to enforce them by suitable legislation.

Therefore, both statements (2) and (3) are correct.

Source:

- Indian Polity – M Laxmikanth (Chapter 9: Fundamental Duties)
- Introduction to Indian Constitution – D.D.Basu (Chapter: Fundamental Duties)

Q.25) The Article which is considered as the “cornerstone of the democratic edifice” belong to

–

- a) Part XVIII
- b) Part III
- c) Part IV
- d) Part IV A

Q.25) Solution (b)

The Fundamental Right to constitutional remedies under Article 32 of the Constitution of India is often described as the “cornerstone of the democratic edifice” and the “soul of the Constitution”.

It is the provision that allows any citizen of the country to directly approach the Supreme Court of India in a writ petition if the fundamental rights of any person are being violated.

Article 32 is also called citizens right to protect and defend the constitution as it can be used by the citizens to enforce the constitution through the judiciary.

Since, Article 32 is part of Fundamental Rights under Part III of Indian Constitution, Option (b) is correct answer.

Source:

- Indian Polity – M Laxmikanth (Chapter 7: Fundamental Rights)
- Introduction to Indian Constitution – D.D.Basu (Chapter: Fundamental Rights)

Q.26) Which among the following are true with regard to Fundamental Rights?

1. They help to promote the ideal of political democracy
2. They help to prevent the establishment of an authoritarian and despotic rule in the country
3. They operate as limitations on the tyranny of the executive and arbitrary laws of the legislature
4. They aim at establishing ‘a government of laws and not of men’

Choose correct answer:

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

Q.26) Solution (d)

The Fundamental Rights are meant for promoting the ideal of political democracy. They prevent the establishment of an authoritarian and despotic rule in the country, and protect the liberties and freedoms of the people against the invasion by the State.

They operate as limitations on the tyranny of the executive and arbitrary laws of the legislature. In short, they aim at establishing ‘a government of laws and not of men’.

Hence, all the given statements are correct.

Source:

- Indian Polity – M Laxmikanth (Chapter 7: Fundamental Rights)
- Introduction to Indian Constitution – D.D.Basu (Chapter: Fundamental Rights)

Q.27) The right to privacy is part of –

- a) Cultural and Educational Right
- b) Right to equality
- c) Right to freedom
- d) Right against exploitation

Q.27) Solution (c)

The right to privacy is protected as an intrinsic part of the right to life and personal liberty under Article 21 and as a part of the freedoms guaranteed by Part III of the Constitution.

It protects the inner sphere of the individual from interference from both State, and non-State actors and allows individuals to make autonomous life choices.

"Justice KS Puttaswamy v. Union of India" – Supreme Court held that "Right to Privacy is an integral part of Right to Life and Personal Liberty guaranteed in Article 21 of the Constitution".

Source:

- Indian Polity – M Laxmikanth (Chapter 7: Fundamental Rights)
- Introduction to Indian Constitution – D.D.Basu (Chapter: Fundamental Rights)
- The Hindu; Indian Express

Q.28) Bachan Singh vs. State of Punjab (1980) dealt with –

- a) Witness Protection Law in India
- a) Khalistan movement or Sikh separatist movement
- b) More autonomy to Punjab on the model of Jammu and Kashmir
- c) Capital punishment

Q.28) Solution (d)

The Constitution Bench judgment of Supreme Court of India in **Bachan Singh vs. State of Punjab (1980)** made it very clear that **Capital punishment in India** can be given only in rarest of rare cases.

In other words, the Supreme Court of India ruled that the **death penalty** should be imposed only in "the rarest of rare cases."

The Supreme Court in **Mithu vs. State of Punjab struck down Section 303 of the Indian Penal Code**, which provided for a **mandatory death sentence** for offenders serving a life sentence.

Source:

- Indian Polity – M Laxmikanth (Chapter 7: Fundamental Rights)
- Introduction to Indian Constitution – D.D.Basu (Chapter: Fundamental Rights)
- The Hindu; Indian Express

Q.29) Consider the following statements:

1. In the Indian System, the constitution is the result of the rights of the individual as defined and enforced by the courts of law.
2. Fundamental Rights in India are not absolute but qualified.

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

Q.29) Solution (b)

The primacy of the rights of the individual, that is, the constitution is the result of the rights of the individual as defined and enforced by the courts of law rather than the constitution being the source of the individual rights (it is in case of England). Because the Magna Carta is the source of Rights from where the genesis of constitution of England began.

In the Indian System, the constitution is the source of the individual rights as codified in Part III of the constitution.

Source:

- Indian Polity – M Laxmikanth (Chapter 7: Fundamental Rights)
- Introduction to Indian Constitution – D.D.Basu (Chapter: Fundamental Rights)

Q.30) Which among the following statements is/are true with regard to Article 13 of Indian Constitution?

1. It deals with the laws inconsistent with or in derogation of the fundamental rights.
2. It expressly provides for the doctrine of judicial review.
3. Only legislative sources of law can be challenged in the courts as violating a Fundamental Right and hence, can be declared as void.

Choose the correct answer:

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

Q.30) Solution (b)

Article 13 deals with 'Laws inconsistent with or in derogation of the fundamental rights'. In other words, it expressly provides for the doctrine of judicial review.

This power has been conferred on the Supreme Court (Article 32) and the high courts (Article 226) that can declare a law unconstitutional and invalid on the ground of contravention of any of the Fundamental Rights.

The term 'law' in Article 13 has been given a wide connotation so as to include the following:

- (a) Permanent laws enacted by the Parliament or the state legislatures;
- (b) Temporary laws like ordinances issued by the president or the state governors;
- (c) Statutory instruments in the nature of delegated legislation (executive legislation) like order, bye-law, rule, regulation or notification; and
- (d) Non-legislative sources of law, that is, custom or usage having the force of law.

Thus, not only a legislation but any of the above can be challenged in the courts as violating a Fundamental Right and hence, can be declared as void. Hence, statement 3 is wrong.

Source:

- Indian Polity – M Laxmikanth (Chapter 7: Fundamental Rights)
- Introduction to Indian Constitution – D.D.Basu (Chapter: Fundamental Rights)

Q.31) Consider the following statements about Directive Principles of State Policy (DPSP) and select the correct statement/s:

1. They are complementary to the fundamental rights of the citizens.
2. They are considered as ‘novel feature’ of the Indian Constitution.
3. They aim at realizing the high ideals of justice, liberty, equality and fraternity as outlined in the Preamble to the Constitution.

Choose the correct answer:

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

Q.31) Solution (d)

Directive Principles of State Policy **are supplementary and complementary to the fundamental rights of the citizens**. They are intended to fill in the vacuum in Part III by providing for social and economic rights. Hence, statement (1) is correct.

According to Dr B R Ambedkar, the **Directive Principles of State Policy is a ‘novel feature’** of the Indian Constitution.

Dr. Ambedkar said *“The directive principles are like instruments of instructions which were issued to the Governor in General and Governors of colonies and to those of India by the British Government under the 1935 Act under the Draft Constitution. It is proposed to issue such instructions to the president and governors. The text of these instruments of the instructions shall be found in scheduled IV to the Constitution of India. What are called directive principles is that they are instructions to the Legislature and the Executive. Such a thing is, to my mind, to be welcomed.”*

The Directive Principles constitute a very comprehensive economic, social and political programme for a modern democratic State. **They aim at realizing the high ideals of justice, liberty, equality and fraternity as outlined in the Preamble to the Constitution**. They embody the concept of a ‘welfare state’ and not that of a ‘police state’, which existed during the colonial era. In brief, they seek to establish economic and social democracy in the country.

Source:

- Indian Polity – M Laxmikanth (Chapter 8: Directive Principles of State Policy)
- Introduction to Indian Constitution – D.D.Basu (Chapter: Directive Principles of State Policy)

Q.32) The Directive Principles of State Policy in Indian Constitution have been inspired by the Directive Principles given in the –

- a) Constitution of Ireland
- b) Weimar Constitution of Germany
- c) Canadian Constitution
- d) Constitution of French

Q.32) Solution (a)

The concept of Directive Principles of State Policy was borrowed from the Irish Constitution. The makers of the Constitution of India were influenced by the Irish nationalist movement, particularly the Irish Home Rule Movement. Hence, the Directive Principles of the Indian constitution have been greatly influenced by the Irish Directive Principles of Social Policy.

Do you know?

- Other features borrowed from Irish Constitution are nomination of members to Rajya Sabha and method of election of president.

Source:

- Indian Polity – M Laxmikanth (Chapter 8: Directive Principles of State Policy)
- Introduction to Indian Constitution – D.D.Basu (Chapter: Directive Principles of State Policy)

Q.33) Which of the statements provided below is/are correct about DPSP?

1. They are not enforceable by any court.
2. An existing policy in line with DPSP cannot be reversed.
3. DPSP articles cannot be deleted from the Constitution.

Choose the correct answer:

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

Q.33) Solution (b)

The Directive Principles of State Policy (**DPSP**) are **not enforceable by any court**, but the principles laid down therein are considered irrefutable in the governance of the country, making it the duty of the State to apply these principles in making laws to establish a just society in the country.

When the union government feels that a DPSP is no longer useful to the nation, **it shall be deleted from Constitution by bringing a constitutional amendment** to remove ambiguity in policy making / direction. Judiciary can repeal any policy/law devised by the government which is diametrically opposite to any DPSP. **Hence, statement (3) is wrong.**

An existing policy in line with **DPSP cannot be reversed, however it can be expanded further** in line with DPSP. The policy changes applicable under DPSP shall not be reversible unless the applicable DPSP is deleted by constitutional amendment (ex. prohibition implemented once in a state cannot be repealed later as long as it is part of DPSP)

Source:

- Indian Polity – M Laxmikanth (Chapter 8: Directive Principles of State Policy)
- Introduction to Indian Constitution – D.D.Basu (Chapter: Directive Principles of State Policy)

Q.34) Consider the following statements:

1. Changes to the Fundamental Rights and Directive Principles require a Constitutional amendment which has to be passed by a special majority of both houses of the Parliament.
2. Right to elementary education is under right to freedom.
3. There is no need of any constitutional amendment and simple legislation by the Parliament is adequate to implement the Directive Principles.

Which of the statements provided above is/are correct?

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

Q.34) Solution (d)

Statement (1) is correct because changes to the Fundamental Rights and Directive Principles require a Constitutional amendment which has to be passed by a special majority of both houses of the Parliament.

This means that an amendment requires the approval of two-thirds of the members present and voting and by the absolute majority of the house – whether the Lok Sabha or Rajya Sabha.

Right to Education: Article 21 A declares that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such a manner as the State may determine. Thus, this provision makes only elementary education a Fundamental Right and not higher or professional education.

The Constitution of India contains the **right to freedom**, given in articles 19, 20, 21, 21A, and 22, and with the view of guaranteeing individual rights that were considered vital by the framers of the constitution.

There is **no need of any constitutional amendment** and **simple legislation by the Parliament is adequate to implement the Directive Principles** as applicable laws per Article 245 as they are already enshrined in the constitution.

Hence, all the statements are correct.

Source:

- Indian Polity – M Laxmikanth (Chapter 7: Fundamental Rights and Chapter 8: Directive Principles of State Policy)
- Introduction to Indian Constitution – D.D.Basu (Chapter: Fundamental Rights and Directive Principles of State Policy)

Q.35) What is called Directive Principles is merely another name for the –

- a) Instrument of Instructions

- b) Conscience of the Constitution
- c) Objectives Resolution
- d) Bill of Rights

Q.35) Solution (a)

The **Directive Principles** resemble the '**Instrument of Instructions**' enumerated in the **Government of India Act of 1935**.

In the words of **Dr B R Ambedkar**, '*the Directive Principles are like the instrument of instructions, which were issued to the Governor-General and to the Governors of the colonies of India by the British Government under the Government of India Act of 1935. What is called Directive Principles is merely another name for the instrument of instructions. The only difference is that they are instructions to the legislature and the executive*'.

Source:

- Indian Polity – M Laxmikanth (Chapter 8: Directive Principles of State Policy)
- Introduction to Indian Constitution – D.D.Basu (Chapter: Directive Principles of State Policy)

Q.36) Which of the below given Directive Principles are part of Gandhian ideology?

1. To make provision for just and humane conditions for work and maternity relief.
2. To promote equal justice and to provide free legal aid to the poor.
3. To prohibit the consumption of intoxicating drinks and drugs which are injurious to health.
4. To prohibit the slaughter of cows, calves and other milch and draught cattle and to improve their breeds.

Choose the correct answer:

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

Q.36) Solution (b)

Gandhian Principles

In order to fulfil the dreams of Gandhi, some of his ideas were included as Directive Principles. They require the State:

1. To organise village panchayats and endow them with necessary powers and authority to enable them to function as units of self-government (Article 40).
2. To promote cottage industries on an individual or co-operation basis in rural areas (Article 43).
3. To promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies (Article 43B).
4. To promote the educational and economic interests of SCs, STs, and other weaker sections of the society and to protect them from social injustice and exploitation (Article 46).
5. To prohibit the consumption of intoxicating drinks and drugs which are injurious to health (Article 47).
6. To prohibit the slaughter of cows, calves and other milch and draught cattle and to improve their breeds (Article 48).

Directive Principles provided in statements (1) and (2) reflect the ideology of socialism and are part of Socialistic Principles (not Gandhian Principles).

Source:

- Indian Polity – M Laxmikanth (Chapter 8: Directive Principles of State Policy)
- Introduction to Indian Constitution – D.D.Basu (Chapter: Directive Principles of State Policy)

Q.37) Consider the below Directive Principles:

1. State shall secure for all citizens a uniform civil code throughout the country.
2. State shall provide early childhood care and education for all children until they complete the age of six years.

The above principles are included under which among the following categories?

- a) Socialistic Principles
- b) Gandhian Principles

- c) Nehruvian socialism
- d) Liberal–Intellectual Principles

Q.37) Solution (d)

Liberal–Intellectual Principles

The principles included in this category represent the ideology of liberalism. They direct the state:

1. To secure for all citizens a uniform civil code throughout the country (Article 44).
2. To provide early childhood care and education for all children until they complete the age of six years (Article 45).
3. To organise agriculture and animal husbandry on modern and scientific lines (Article 48).
4. To protect and improve the environment and to safeguard forests and wild life¹⁰ (Article 48 A).
5. To protect monuments, places and objects of artistic or historic interest which are declared to be of national importance (Article 49).
6. To separate the judiciary from the executive in the public services of the State (Article 50).
7. To promote international peace and security and maintain just and honourable relations between nations; to foster respect for international law and treaty obligations, and to encourage settlement of international disputes by arbitration (Article 51).

Source:

- Indian Polity – M Laxmikanth (Chapter 8: Directive Principles of State Policy)
- Introduction to Indian Constitution – D.D.Basu (Chapter: Directive Principles of State Policy)

Q.38) Which among the following Directive Principles were added later and was not part of the original list?

1. State shall secure opportunities for healthy development of children.
2. State shall take steps to secure the participation of workers in the management of industries.
3. State shall take steps to protect and improve the environment and to safeguard forests and wildlife.

Choose correct answer:

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

Q.38) Solution (d)

Four new Directive Principles were added in the 42nd Amendment Act of 1976 to the original list. They are requiring the state:

1. Added clause in Article 39: To secure opportunities for healthy development of children
2. Added clause in Article 39 as Article 39A: To promote equal justice and to provide free legal aid to the poor
3. Added clause in Article 43 as Article 43 A: To take steps to secure the participation of workers in the management of industries
4. Added clause in Article 48 as Article 48A: To protect and improve the environment and to safeguard forests and wildlife

Source:

- Indian Polity – M Laxmikanth (Chapter 8: Directive Principles of State Policy)
- Introduction to Indian Constitution – D.D.Basu (Chapter: Directive Principles of State Policy)

Q.39) Neelam Katara vs. Union of India case and Himanshu Singh Sabharwal vs. State of Madhya Pradesh & Ors. 2008 case are two famous cases associated with which of the following?

- a) Witness Protection Law in India
- b) India's Acceptance of "third gender"
- c) Prevention of SC/ST Atrocities Act
- d) Provisions of the Places of Worship (Special Provisions) Act

Q.39) Solution (a)

In **Neelam Katara vs. Union of India case**, SC observed that the edifice of administration of justice is based upon witnesses coming forward and deposing without fear or favour, without intimidation or allurements in the court of law. If witnesses are intimidated or allured, the foundation of the administration of justice gets weakened and even obliterated.

Similarly, in **Himanshu Singh Sabharwal vs State of Madhya Pradesh and Ors 2008 case**, the court observed that witnesses are the eyes and ears of the justice system and when a witness is threatened or killed or harassed, it is not only the witness who is threatened but also the fundamental right of a citizen to a free and fair trial is vindicated.

Source:

- The Hindu; Indian Express (Witness Protection is in news often)

Q.40) Consider the below statements:

1. Eleventh and Twelfth Schedule specifies the powers, authority and responsibilities of Panchayats and Municipalities respectively.
2. The subject of 'Local Government' is mentioned in the State List under the Seventh Schedule of the Constitution.

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

Q.40) Solution (c)

The subject of 'Local Government' is mentioned in the State List under the **Seventh Schedule** of the Constitution. (Refer to chapter: Appendix II Subjects of Union, State and Concurrent Lists)

Eleventh Schedule : : Specifies the powers, authority and responsibilities of Panchayats. It has 29 matters. This schedule was added by the 73rd Amendment Act of 1992.

Twelfth Schedule : : Specifies the powers, authority and responsibilities of Municipalities. It has 18 matters. This schedule was added by the 74th Amendment Act of 1992.

Source:

- Indian Polity – M Laxmikanth (Chapter 3: Salient Features of the Constitution)
- Introduction to Indian Constitution – D.D.Basu (Chapter: Salient Features of the Constitution)