

# 20

## CHAPTER

# Constitution of India

<p><b>Introduction</b></p>	<ul style="list-style-type: none"> <li>◆ Constitution was adopted on 26th January 1950.</li> <li>◆ It is divided into 395 articles and 12 schedules.</li> </ul>
<p><b>Preamble of constitution</b></p>	<ul style="list-style-type: none"> <li>◆ WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC REPUBLIC and to secure to all its citizens:             <ol style="list-style-type: none"> <li>1. JUSTICE, social, economic and political;</li> <li>2. LIBERTY of thought, expression, belief, faith and worship;</li> <li>3. EQUALITY of status and of opportunity; and to promote among them all</li> <li>4. FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation.</li> </ol> </li> <li>◆ "Democratic Republic" means - our government is of the people, by the people and for the people.</li> </ul>
<p><b>Structure of Indian constitution or nature of constitution</b></p>	<ol style="list-style-type: none"> <li>1. Indian Constitution is basically federal in nature but it has some unitary features.</li> <li>2. Indian Constitution contains following federal features:</li> <li>3. Dual Government-Central Government (National Government) as well as State Government for each State.</li> <li>4. Distribution of power - Schedule VII provide for distribution of power between Central Government and State Government by way of:             <ul style="list-style-type: none"> <li>■ Union list</li> <li>■ State list</li> <li>■ Concurrent list</li> <li>■ Residuary power</li> </ul> </li> </ol>

	<p>5. Supremacy - Indian Constitution is supreme law and Central Government and State Government derive power from Constitution.</p> <p>6. Independency of judiciary - Indian constitution provides freedom of judiciary system. It means any court can declare action of government ultra-vires.</p> <p>7. Indian constitution contains following unitary features:</p> <ol style="list-style-type: none"> <li>1. Suspension of state legislative rights - State government can make laws for matters specified under state list but in national interest and proclamation of emergency, Central Government will make laws for State Government.</li> <li>2. Single citizenship and single Supreme Court.</li> <li>3. President rule- Article 365 provides for suspension of State Government and apply presidency rule.</li> <li>4. Increase or decrease boundary of state for unilateral action of Parliament.</li> </ol>
<p><b>State - Article 12</b></p>	<ul style="list-style-type: none"> <li>◆ State includes:             <ol style="list-style-type: none"> <li>1. Government and Parliament of India</li> <li>2. Government and legislature of each state</li> <li>3. All local and other authorities within the territory of India and under the control of Government of India.</li> </ol> </li> </ul>
<p><b>Doctrine of Eclipse - Article 13</b></p>	<ul style="list-style-type: none"> <li>◆ Existing laws remains eclipsed or dormant to the extent it comes under the shadow (<i>i.e.</i> inconsistent) of the fundamental rights.</li> <li>◆ It means existing law which is inconsistent becomes inoperative but is not dead.</li> <li>◆ Doctrine was evolved in the case of <i>Bhikaji Narain v. State of M.P.</i></li> </ul>
<p><b>Doctrine of waiver of rights</b></p>	<ul style="list-style-type: none"> <li>◆ Doctrine is based on the premises that person is his best judge and he has liberty to waive the enjoyment of rights which are conferred on him by state.</li> <li>◆ Doctrine was evolved in case of <i>Basheshar Nath v. Income Tax Commissioner.</i></li> <li>◆ To apply doctrine, person must have knowledge about his rights and waiver must be voluntary.</li> </ul>
<p><b>Fundamental rights</b></p>	<ul style="list-style-type: none"> <li>◆ It is granted under Part III of Indian constitution</li> <li>◆ Constitution has guaranteed following 6 fundamental rights:             <ol style="list-style-type: none"> <li>1. Right of equality</li> <li>2. Right of freedom</li> <li>3. Right against exploitation</li> <li>4. Right to freedom of religion</li> <li>5. Cultural and educational rights</li> <li>6. Right to constitutional remedies</li> </ol> </li> </ul>
<p><b>Right of Equality - Articles 14-18</b></p>	<ul style="list-style-type: none"> <li>◆ Equality before law and equal protection of the laws - Article 14             <ol style="list-style-type: none"> <li>1. It means all persons are equal to ordinary laws.</li> </ol> </li> </ul>



	<ol style="list-style-type: none"> <li>2. It means among equals the laws should be treated equal and equally administered. (<i>i.e.</i> equality of treatment in equal circumstances)</li> <li>3. Article 14 applies to all persons and is not limited to citizens.</li> <li>4. A corporation, which is a juristic person, is also entitled to the benefit of this Article.</li> <li>5. Article 14 forbids class legislation, but does not forbid classification.</li> </ol> <ul style="list-style-type: none"> <li>◆ Legislative classification <ol style="list-style-type: none"> <li>1. Equality prohibits discrimination. It does not prohibit reasonable classification based on: <ul style="list-style-type: none"> <li>■ Business, geographical or territorial differences</li> <li>■ Difference in time</li> <li>■ Nature of persons</li> <li>■ Object of laws.</li> </ul> </li> </ol> </li> <li>◆ Test of valid classification <ol style="list-style-type: none"> <li>1. Supreme Court in <i>State of West Bengal v. Anwar Ali Sarkar</i>, stated that permissible classification must satisfy two conditions: <ul style="list-style-type: none"> <li>■ it must be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group; and</li> <li>■ Differentiation must have a connection with the object sought to be achieved by the statute in question.</li> </ul> </li> </ol> </li> <li>◆ Single person may be treated a class by himself on account of some special circumstances or reasons applicable to him and not applicable to others. - <i>Charanji Lal v. UOI</i></li> </ul>
<p><b>Prohibition of discrimination on grounds of religion etc. - Article 15</b></p>	<ul style="list-style-type: none"> <li>◆ State shall not discriminate against any citizen on grounds of religion, race, caste, sex, place of birth or any of them, be subject to disability, liability, restriction or condition with regards: <ol style="list-style-type: none"> <li>1. Access to shops, Public restaurants, hotels and place of public entertainment or</li> <li>2. Use of well, tanks, bathing gnats, roads and place of public resort, which is maintained wholly or partly out of state fund.</li> </ol> </li> <li>◆ Exception : <ol style="list-style-type: none"> <li>1. State can make special provisions for <ul style="list-style-type: none"> <li>■ woman and children (<i>UOI v. Prabhakaran</i>)</li> <li>■ advancement of : <ul style="list-style-type: none"> <li>● socially and educationally backward classes of citizen</li> <li>● Schedule castes and schedule tribe.</li> </ul> </li> </ul> </li> </ol> </li> </ul>
<p><b>Equality of opportunity in matters of public employment. - Article 16</b></p>	<ul style="list-style-type: none"> <li>◆ Equal opportunity should be granted to all citizens in matter of public employment.</li> <li>◆ Exception:</li> </ul>

	<ol style="list-style-type: none"> <li>1. Parliament can make any law prescribing any requirement as to resident in state or union territory in respect of employment under that state.</li> <li>2. Reservation of post of backward class of citizens not adequately represented in those services.</li> <li>3. Offices related with religious or denominational institutional institution may be reserved for the persons of that religion.</li> </ol>
<p><b>Abolition of untouchability - Article 17</b></p>	<ul style="list-style-type: none"> <li>◆ Untouchability is abolished and prohibited.</li> <li>◆ It is forbidden in any form.</li> <li>◆ Enforcement of any disability arising out of "Untouchability" is an offence.</li> <li>◆ Social boycott is not untouchability</li> <li>◆ Preaching of untouchability is also an offence.</li> </ul>
<p><b>Abolition of title - Article 18</b></p>	<ul style="list-style-type: none"> <li>◆ Acceptance of title is prohibited as it classify person in to different class.</li> <li>◆ No title should be conferred by state except military or academic.</li> <li>◆ Citizen of India should not accept any title from foreign state</li> <li>◆ Person who is not Indian citizen should not accept any title from foreign state, while he resides in India without president consent.</li> <li>◆ Person holding any office of profit or trust under state should not accept any present, employment etc., from any foreign state.</li> </ul>
<p><b>Rights of freedom</b></p>	<p><b>Right to freedom of speech and expression - Article 19</b></p> <ul style="list-style-type: none"> <li>◆ It includes right to express one's ideas.</li> <li>◆ It includes right to make good or bad speech and also includes right not to speak.</li> <li>◆ It includes freedom of media and press.</li> <li>◆ However reasonable restriction can be placed for :             <ol style="list-style-type: none"> <li>1. Sovereignty and integrity of India</li> <li>2. Security of state</li> <li>3. Friendly relations with foreign state</li> <li>4. Public order</li> <li>5. Decency</li> <li>6. Contempt of court</li> <li>7. Defamation or incitement of offence.</li> </ol> </li> <li>◆ Above restriction can be placed by enacted law and not by the executive action.</li> <li>◆ Right of freedom is available to citizen. Corporation is citizen.</li> </ul> <p><b>Right to assemble peacefully and without arms- Article 19(1)(b)</b></p> <ul style="list-style-type: none"> <li>◆ Indian citizen has right of assemble peacefully.</li> <li>◆ It includes right to hold meetings and to take out processions.</li> </ul>



	<ul style="list-style-type: none"> <li>◆ State can put reasonable restriction in interest of sovereignty of India or public order.</li> </ul> <p><b>Freedom to form an association - Article 19(1)(c)</b></p> <ul style="list-style-type: none"> <li>◆ This right allows forming an association of people having similar views.</li> <li>◆ Reasonable restriction may be imposed on this right by the state in interest of sovereignty of India or public order or morality.</li> </ul> <p><b>Freedom of movement - Article 19(1) (d) and Article 19(1)(e)</b></p> <ul style="list-style-type: none"> <li>◆ Every citizen has right to:             <ol style="list-style-type: none"> <li>1. Move freely through the territory of India</li> <li>2. To reside and settle in any part of India.</li> </ol> </li> </ul> <p><b>Freedom of trade and occupation - Article 19(1)(g)</b></p> <ul style="list-style-type: none"> <li>◆ Every citizen has right to practice any profession or to carry on any occupation, trade or business. However following are exception :             <ol style="list-style-type: none"> <li>1. State can put reasonable restriction in the interest of public interest.</li> <li>2. Law can provide any professional or technical qualification necessary for practising any profession or carrying on any occupation trade or business.</li> <li>3. Restriction can be placed by state government for exclusive dealing in goods or providing services.</li> </ol> </li> </ul>
<p><b>Protection from conviction for offences -Article 20</b></p>	<ul style="list-style-type: none"> <li>◆ Person can't be subject to any penalty except he has committed any offence under any law.</li> <li>◆ Person is protected against ex-post factor laws. It means if any activity is not an offence as per law at the time, when it was done, he can't be convicted under law which declare that activity as an offence later on.</li> <li>◆ Person is protected against double jeopardy. It means person can't be prosecuted and punished twice for same offence.</li> <li>◆ Person is protected against self-incrimination. It means person accused of any offence can't be compelled to be witness against himself.</li> </ul>
<p><b>Protection against life and liberty - Article 21</b></p>	<ul style="list-style-type: none"> <li>◆ Person's personal liberty should not be deprived except as per law and after following procedure laid down by law.</li> <li>◆ Term 'personal liberty' does not limited to only body or prison. It includes:             <ol style="list-style-type: none"> <li>1. Right to sleep</li> <li>2. Right to travel foreign</li> <li>3. Right to bail and legal help</li> <li>4. Right against use of third degree methods by police.</li> </ol> </li> </ul>
<p><b>Protection against arrest and detention - Article 22</b></p>	<ul style="list-style-type: none"> <li>◆ Constitution provide following safeguards against arbitrary arrest:             <ol style="list-style-type: none"> <li>1. Information or ground of arrest should be provided</li> <li>2. Right to consult and to be defended by legal practitioner of his choice.</li> </ol> </li> </ul>

	<p>3. Person should be made to present before magistrate within 24 hours of arrest.</p> <p>4. No detention beyond period of 24 hours without authority of magistrate.</p> <p>◆ Above safeguards are not available :</p> <ol style="list-style-type: none"> <li>1. To Alien enemy</li> <li>2. When person who is arrested and detained under 'preventive detention'. Preventive detention means detention of person without trail.</li> </ol> <p>◆ Safeguards against preventive detention:</p> <ol style="list-style-type: none"> <li>1. A person can't be detained for more than 3 months.</li> <li>2. Detaining authority should communicate reason of detention.</li> <li>3. Detained person should be given opportunity of representing against order.</li> </ol>
<p><b>Right against exploitation and child labour-Articles 23-24</b></p>	<p>◆ Traffic in human being and forced labour is prohibited.</p> <p>◆ Traffic means to deal in men and women like goods or sell them as goods. It also includes slavery.</p> <p>◆ Child below age of 14 should not be employed to work in any factory or mine or other hazardous employment.</p>
<p><b>Right to freedom of religion - Articles 25-28</b></p>	<p><b>Freedom of religion - Article 25</b></p> <p>◆ India is secular (i.e. no religion as national religion).</p> <p>◆ All religions are equal.</p> <p>◆ Every person has :</p> <ol style="list-style-type: none"> <li>1. Freedom of conscience (i.e. moral sense of right and wrong)</li> <li>2. Right to profess, practice and propagate any religion.</li> </ol> <p><b>Freedom to manage religious affairs - Article 26</b></p> <p>◆ Freedom to run religious affairs includes the freedom to establish and maintain charitable institutions to manage its own affairs in the matters of religion or to acquire and own movable and immovable property and to take care of such property, without infringing the law.</p> <p>◆ However, only structured bodies such as religious denominations have the liberty to enjoy this right and the secular activity of such associations can be administered by the government.</p> <p>◆ This right does not apply to individuals.</p> <p><b>Freedom as to payment of tax for promotion of particular religion - Article 27</b></p> <p>◆ Person shall not be forced to pay any taxes, the proceeds of which are particularly appropriated in payment of expenses for the spread or protection of any particular religion or religious denomination.</p> <p><b>Freedom as to attendance at religious instructions in educational institution - Article 28</b></p> <p>◆ No religious instruction shall be offered in any educational institution or person should not be obliged to take part in any religious instruction or to take part into religious workshop, which is wholly maintained out of State funds.</p>



<b>Rights of minorities - Articles 29-30</b>	<ul style="list-style-type: none"> <li>◆ Any section of citizens residing in the territory of India or any part having distinct language, script or culture of its own has right to conserve the same.- Article 29</li> <li>◆ Any citizen cannot be denied admission into any educational institution maintained by state or receiving aid out of state fund.- Article 29</li> <li>◆ Any minority (i.e. religion or language based) shall have right to establish and administered educational institution of their choice.- Article 30</li> </ul>
<b>Right to constitutional remedies - Articles 32 and 226</b>	<ul style="list-style-type: none"> <li>◆ Person has right to move to Supreme Court or High Court if his fundamental right is violated. For this purpose, application in writing known as writ is made.</li> <li>◆ Writ means legal document in writing. Following are types of writ:             <ol style="list-style-type: none"> <li>1. Writ of Habeas corpus</li> <li>2. Writ of Mandamus</li> <li>3. Writ of prohibition</li> <li>4. Writ of certiorari</li> <li>5. Writ of quo warranto</li> </ol> </li> </ul>
<b>Writ of habeas corpus</b>	<ul style="list-style-type: none"> <li>◆ Habeas corpus means 'to have body'</li> <li>◆ Writ of habeas corpus is made when person is detained or arrested without proper justification.</li> <li>◆ Writ of habeas corpus can be made by :             <ol style="list-style-type: none"> <li>1. Any person on behalf of detained person or</li> <li>2. Detained person himself.</li> </ol> </li> <li>◆ On receipt of this writ, court issue order against detaining authority for producing arrested person before court.</li> </ul>
<b>Writ of mandamus</b>	<ul style="list-style-type: none"> <li>◆ Mandamus means "command or order"</li> <li>◆ It is command issued by Supreme Court or High Court to any person, corporation, inferior court, public authority or government who has to perform statutory duty but who fails to do so.</li> <li>◆ Writ of mandamus can't be issued against             <ol style="list-style-type: none"> <li>1. private person</li> <li>2. president and governor of state - Article 361</li> </ol> </li> </ul>
<b>Writ of prohibition</b>	<ul style="list-style-type: none"> <li>◆ Here prohibition command is issued by Supreme Court or High Court to an inferior court or Tribunal to refrain from doing something which it is about to do.</li> <li>◆ It is based on principle that prevention is better than cure.</li> <li>◆ It is generally issued before trial of case or during pendency of the proceeding before the order is made.</li> </ul>
<b>Writ of certiorari</b>	<ul style="list-style-type: none"> <li>◆ Certiorari means "to be certified" or "to be more fully informed of".</li> <li>◆ It can be issued by Supreme Court or High Court to the inferior court or any authority, whenever any authority or court :             <ol style="list-style-type: none"> <li>1. Has abuse of jurisdiction</li> <li>2. Has acted without authority</li> </ol> </li> </ul>

	<ul style="list-style-type: none"> <li>3. Has violated principle of natural justice</li> <li>4. Has committed a prima facie error on the report or decision.</li> <li>5. Has violated fundamental rights available to citizens under Part III.</li> </ul> <ul style="list-style-type: none"> <li>◆ Supreme Court can issue a writ of certiorari to any high court correcting erroneous decisions.</li> </ul>
<p><b>Writ of quo-warranto</b></p>	<ul style="list-style-type: none"> <li>◆ Quo-warranto means “what is your authority”?</li> <li>◆ This writ prevents person from continuing in public office who has wrongfully usurped the office. It calls upon the holder of a public office in question.</li> <li>◆ If on investigation, it is found that he is not entitled to public office, the court may restrain from acting and order to vacate office.</li> <li>◆ Writ can be issued in respect of following office:             <ol style="list-style-type: none"> <li>1. Prime minister</li> <li>2. Chief minister</li> <li>3. Judge of High Court</li> <li>4. President of Zila Parishad</li> <li>5. Speaker of parliament</li> <li>6. State legislature</li> <li>7. University officials</li> </ol> </li> <li>◆ This writ can't be issued against private person or where alternative remedy is available.</li> </ul>
<p><b>Directive principles of state policy - Articles 36-51</b></p>	<ul style="list-style-type: none"> <li>◆ To secure the right of all men and women to an adequate means of livelihood.</li> <li>◆ To ensure equal pay for equal work.</li> <li>◆ To make effective provision for securing the right to work, education and to public assistance in the event of unemployment old age, sickness and disablement.</li> <li>◆ To secure to workers a living wage, humane conditions of work, a decent standard of life, etc.</li> <li>◆ To ensure that the operation of the economic system does not result in the concentration of wealth.</li> <li>◆ To provide opportunities and facilities for children to develop in a healthy manner.</li> <li>◆ To provide free and compulsory education for all children up to 14 years of age.</li> <li>◆ To promote educational and economic interest of scheduled castes, scheduled tribes and other weaker sections.</li> <li>◆ To organize village panchayats.</li> <li>◆ To separate judiciary from the executive.</li> <li>◆ To promulgate a uniform civil code for the whole country.</li> <li>◆ To protect national monuments.</li> <li>◆ To promote justice on a basis of equal opportunity.</li> <li>◆ To provide free legal aid.</li> </ul>



	<ul style="list-style-type: none"> <li>◆ To protect and improve environment and forests and wild life.</li> <li>◆ To promote international peace and security.</li> <li>◆ To promulgate a uniform civil code for the whole country.</li> <li>◆ To settle international disputes by arbitration.</li> </ul>
<p><b>Fundamental duties - Article 51A</b></p>	<ul style="list-style-type: none"> <li>◆ Duties of a citizen of India were not included in the original constitution. These have been added by the 42nd Amendment in 1976.</li> <li>◆ There are ten Fundamental Duties:             <ol style="list-style-type: none"> <li>1. To abide by the Constitution and respect its ideals and Institutions, the National Flag and the National Anthem.</li> <li>2. To cherish and follow the noble ideals which inspired our national struggle for freedom.</li> <li>3. To uphold and protect the sovereignty, unity and integrity of India.</li> <li>4. To defend the country and render national service when called upon to do so.</li> <li>5. To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional diversities; to renounce practices derogatory to the dignity of women.</li> <li>6. To value and preserve the rich heritage of our composite culture.</li> <li>7. To protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures.</li> <li>8. To develop the scientific temper, humanism and the spirit of inquiry and reform.</li> <li>9. To safeguard public property and to abjure violence.</li> <li>10. To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher level of endeavour and achievement.</li> </ol> </li> <li>◆ The duties are not enforceable in court of law</li> </ul>
<p><b>Ordinance making power of the president - Article 123</b></p>	<ul style="list-style-type: none"> <li>◆ When parliament is not in session, and circumstances require immediate action, article 123 provides for promulgation of ordinance. The ordinance has same effect as an act of parliament.</li> <li>◆ Following are conditions for exercise of ordinance:             <ol style="list-style-type: none"> <li>1. Houses of parliament are not in session.</li> <li>2. Council of ministers has advised to this effect.</li> <li>3. Ordinance must be placed before parliament when it reassembles.</li> </ol> </li> <li>◆ Duration of ordinance shall be 6 weeks after assembly of both houses. However in following situations duration of ordinance come to end before 6 weeks:             <ol style="list-style-type: none"> <li>1. Resolution is passed by both houses of parliament disapproving ordinance.</li> </ol> </li> </ul>

<p><b>Ordinance making power of Governor - Article 213</b></p>	<p>2. Withdrawal is made by president.</p> <ul style="list-style-type: none"> <li>◆ Ordinance making power can't be delegated by president.</li> <li>◆ Governor is appointed by president.</li> <li>◆ Executive power of state is vested in governor.</li> <li>◆ One person is appointed as governor of one state but it is possible to appoint one person as governor for two or more states.</li> <li>◆ When both houses of state legislation are not in session and governor is satisfied that circumstances requires to immediate action, he may promulgate ordinance on following conditions:             <ol style="list-style-type: none"> <li>1. Bill contains the same provisions which require previous sanction of the president.</li> <li>2. The governor deems it necessary to reserve a bill containing the provision for consideration of president.</li> <li>3. An act of legislature containing the same provisions, which requires the assents of president.</li> </ol> </li> </ul>
<p><b>Legislative powers of union and states - Article 246</b></p>	<p><b>Union list</b></p> <ul style="list-style-type: none"> <li>◆ Parliament has exclusive power to make laws for matters enumerated in List I of Schedule 7.</li> </ul> <p><b>State list</b></p> <ul style="list-style-type: none"> <li>◆ State legislature has exclusive power to make laws for matters enumerated in List II of Schedule 7.</li> <li>◆ In exceptional circumstances, parliament can make laws on state list also.</li> </ul> <p><b>Concurrent list</b></p> <ul style="list-style-type: none"> <li>◆ Parliament and state legislature both can make laws on List III.</li> <li>◆ If parliament and state legislature have made laws on same subject matter and it creates conflict, law made by parliament will be valid.</li> </ul> <p><b>Residuary power</b></p> <ul style="list-style-type: none"> <li>◆ Those matters which are not included on any of above list, parliament has exclusive power to make laws.</li> </ul>
<p><b>Power of parliament to make laws on state list</b></p>	<ul style="list-style-type: none"> <li>◆ Parliament can make laws on state list in following circumstances:             <p><b>In the national interest - Article 249</b></p> <ul style="list-style-type: none"> <li>◆ Rajya sabha declares by resolution supported by 2/3rd of its member present and voting that it is in national interest.</li> <li>◆ Such resolution is valid for 1 year. It can be extended by fresh resolution for any number of years.</li> </ul> <p><b>During proclamation of emergency - Article 250</b></p> <ul style="list-style-type: none"> <li>◆ While proclamation of emergency is in operation, parliament can make law on any matter on state list.</li> <li>◆ Such law has effect up to expiry of 6 months after proclamation ceases to operate.</li> </ul> </li> </ul>



	<p><b>On request of two or more states - Article 252</b></p> <ul style="list-style-type: none"> <li>◆ When two or more states want to have common legislation then they can make request to parliament to make laws on such subject.</li> <li>◆ Any act, so passed by parliament, may be amended or repealed by act of parliament only.</li> </ul> <p><b>Implementation of international agreement - Article 255</b></p> <ul style="list-style-type: none"> <li>◆ Parliament has power to make any law for whole or any part of territory of India for implementing treaty, agreement or convention with any other country.</li> </ul> <p><b>Breakdown of constitutional machinery in state - Articles 356-357</b></p> <ul style="list-style-type: none"> <li>◆ Parliament can make law with respect to all state matter on report of governor or suo-motu.</li> </ul>
<p><b>Interpretation of legislation</b></p>	<ul style="list-style-type: none"> <li>◆ While determining the respective jurisdiction of the union and state legislature, following rules of interpretation are useful:             <ol style="list-style-type: none"> <li>1. Plenary power of the legislature                 <ul style="list-style-type: none"> <li>■ It is cardinal rule of interpretation that the words used in the constitution which confer legislative power must receive most liberal construction and if they are words of wide amplitude, they must be interpreted so as to give effect to that amplitude. - <i>Jagannath Baksh Singh v. State of U.P.</i></li> </ul> </li> <li>2. Harmonious construction                 <ul style="list-style-type: none"> <li>■ Different entries in different lists are to be interpreted in such a way that a conflict between them is avoided and each of them is given effect.</li> </ul> </li> <li>3. Doctrine of pith and substance rule                 <ul style="list-style-type: none"> <li>■ It means where a law in reality and substance falls within an item on which the legislature which enacted the law is competent to legislate, and such law advertently touches a matter the legislature shall not be invalid merely because it incidentally touches a matter outside competence of legislature.</li> </ul> </li> <li>4. Colourable legislation                 <ul style="list-style-type: none"> <li>■ It is based upon maxim that "you can't do indirectly what you can't do directly".</li> <li>■ It applies to delegated and subordinated legislation.</li> <li>■ If legislature has no competence to pass a law on subject, it can't pass law on that subject merely purporting to within the limits of its power.</li> </ul> </li> </ol> </li> </ul>
<p><b>Freedom of trade, commerce and intercourse - Articles 301-307</b></p>	<ul style="list-style-type: none"> <li>◆ Trade, commerce and intercourse throughout country shall be free- Article 301.</li> </ul>

	<ul style="list-style-type: none"> <li>◆ Parliament may by law impose restriction on freedom of trade, commerce and intercourse between one state and another or within any party of territory of India as may be required in public interest.- Article 302</li> <li>◆ Parliament or state legislature can't make any law which discriminate or give preference to one state over another or discriminate between one state and another. - Article 303</li> <li>◆ State legislature may impose tax on goods imported from other states or union territory to which similar goods manufactured or produced in that state.- Article 304</li> <li>◆ The law which create state monopoly in any trade, etc. are saved from the attack under Article 301. - Article 305</li> <li>◆ Parliament may by law appoint such authority as it considers appropriate for carrying out the purposes of Articles 301-304 and confer such powers and such duties as it thinks necessary. - Article 307</li> </ul>
<p><b>Amendment in fundamental rights - Article 388</b></p>	<ul style="list-style-type: none"> <li>◆ Constitution including fundamental rights can be amended.</li> </ul>
<p><b>Delegated legislation</b></p>	<ul style="list-style-type: none"> <li>◆ It means rules made under the authority of an act of Parliament.</li> <li>◆ Delegated legislation exists in form of bye laws, rules, regulations, orders etc.</li> <li>◆ Legislation is either supreme or subordinates.</li> <li>◆ Supreme legislation proceeds from sovereign power in the state.</li> <li>◆ Subordinate legislation is that which proceeds from any authority other than sovereign power.</li> <li>◆ Subordinated legislation is classified as under:</li> <li>◆ Executive- It require executive to make rules and orders which do not require express confirmation by legislature.</li> <li>◆ Judicial High Courts are authorised to make rules for regulating the procedure to be followed in court.</li> <li>◆ Municipal - Municipal authority is entrusted with limited and subordinate powers to establishing special law applicable to whole or any part of area under their administration known as bye-law.</li> <li>◆ Autonomous - it means autonomous bodies make rules in respect of matter which concern themselves.</li> </ul>

■ ■ ■ ■ ■ **MULTIPLE CHOICE QUESTIONS**

1. India is a Sovereign Socialist Secular Democratic Republic with a Parliamentary system of Government. The Republic is governed in terms of the
  - a. Symbols and Rituals
  - b. Constitution
  - c. Fundamental Rights
  - d. Religious Stories

2. A Constitution is
  - a. A set of official laws
  - b. A set of ordinary laws
  - c. The basic structure defining the powers of the state and the rights and duties of the citizens
  - d. A set of financial laws



3. The preamble to the Constitution sets out the aims and aspirations of the
  - a. Prime Minister's Office of India
  - b. International Treaties with USA
  - c. People of India
  - d. Courts and forums
4. The Constitution of India came into force on
  - a. August 15, 1947
  - b. January 26, 1950
  - c. October 2, 1969
  - d. November 14, 1952
5. How many articles are there in the Constitution of India?
  - a. 395
  - b. 22
  - c. 12
  - d. 3
6. Constitution of India is a comprehensive document containing 12 Articles (divided into 22 parts) and 395 Schedules.
  - a. True
  - b. False because the Constitution has 395 Articles and 22 parts
  - c. False because the Constitution has 12 Schedules
  - d. False because of both (b) and (c)
7. \_\_\_\_\_ contains certain directives which are the guidelines for the future Government to lead the country.
  - a. Directive Principles of State Policy
  - b. Fundamental Rights
  - c. Fundamental Duties
  - d. Both (b) and (c)
8. Constitution lays down that the executive power of the Union shall be vested in the \_\_\_\_\_ and the executive power of the State is vested in the \_\_\_\_\_.
  - a. Prime Minister ; Chief Minister
  - b. President ; Chief Minister
  - c. President ; Governor
  - d. President ; Prime Minister
9. Which of the following is constituted by the Constitution?
  - a. Supreme Court
  - b. High Court
  - c. Consumer Forums
  - d. Tribunals
10. Which of the following public authorities derive their powers directly or indirectly from it and the Constitution derives its authority from the people?
  - a. Legislative
  - b. Administrative
  - c. Judicial
  - d. All of the above
11. Identify the incorrect statement from the following with regard to the Constitution of India.
  - a. The preamble declares India to be a Sovereign, Socialist, Secular, Democratic Republic and secures to all its citizens Justice, Liberty, Equality and Fraternity.
  - b. Sovereignty in the strict and narrowest sense of the term implies independence all round, within and without the borders of the country.
  - c. The democratic character of the Indian polity is illustrated by the provisions conferring on the adult citizens the right to vote and by the provisions for elected representatives and responsibility of the executive to the legislature.
  - d. The word "Socialist", added by the 60th Amendment, aims to make people insecure about "justice—social, economic and political".
12. The word "Socialist", added by the \_\_\_\_ Amendment, aims to secure to its people "justice—social, economic and political".
  - a. 5th
  - b. 25th
  - c. 42nd
  - d. 60th
13. Directive Principles of State Policy are contained in Part \_\_\_\_ of the Constitution.
  - a. III
  - b. IV
  - c. V
  - d. VI
14. Constitution of India is basically
  - a. Federal
  - b. Unitary

- c. Federal but with certain unitary features
- d. Unitary but with certain federal features
15. The majority of the Supreme Court judges in *Kesavananda Bharati v. State of Kerala* were of the view that the \_\_\_\_\_ features form the basic structure of the Indian Constitution.
- Federal
  - Unitary
  - Both (a) and (b)
  - Neither (a) nor (b)
16. Dual Government, distribution of powers, supremacy of the Constitution, independence of Judiciary, written Constitution, and a rigid procedure for the amendment of the Constitution are the \_\_\_\_\_ features of the Indian constitution.
- Unitary
  - Duality
  - Federal
  - Supreme
17. Identify the incorrect statement indicating federal features of the Indian Constitution.
- In India, there are Governments at different levels, like Union and States. Both Union and States have to follow the Constitutional provisions when they make laws
  - Powers to make laws have been suitably distributed among Union and State by way of various lists as per the Seventh Schedule
  - The Judiciary is independent with regard to judicial matters and judiciary can test the validity of law independently. The Supreme Court decides the disputes between the Union and the States, or the States *inter se*
  - The Constitution is supreme and it cannot be amended
18. The Constitution is supreme and if it is to be amended, it is possible only by
- Majority votes in favour of amendment by Member of Upper house and Lower houses of Parliament
  - Following the procedure explained in Article 368 of the Constitution itself
  - Intervention of the Supreme Court
  - None of the above. The Constitution cannot be amended at all.
19. The Indian Constitution basically has federal features. But the Indian Constitution does not establish two co-ordinate independent Governments. Both the Governments co-ordinate, co-operate and collaborate in each other's efforts to achieve the ideals laid down in the preamble.
- True
  - False because Indian Constitution establishes two co-ordinate independent Governments
  - False because Indian Constitution basically has non-federal features.
  - False because of both (b) and (c)
20. What is the special Constitutional position of Jammu and Kashmir?
- It is not of the integral parts of Indian Union
  - It has its own Constitution
  - Indian laws are not applicable
  - It is above Indian Constitution
21. Which of the following is correct regarding the Indian Constitution?
- It is completely based on British Constitution
  - It is a mixture of several Constitutions
  - It is made only on the basis of Government of India Act, 1935
  - It is original and has been created from scratch
22. Which of the following in India is/are considered as sovereign entity as per the Constitution?
- Union
  - State
  - Both Union and State
  - Neither Union nor State
23. The framers of the \_\_\_\_\_ Constitution made a logical division of everything essential to sovereignty and created a dual polity with dual citizenship, a double set of officials and a double system of the courts. There is, however, single citizenship in \_\_\_\_\_, with no division of public services or of the judiciary.
- American ; Persian
  - Canadian ; Indian



- c. American ; Indian  
d. Indian ; American
24. India had a thoroughly Centralized Unitary Constitution until the \_\_\_\_\_ which for the first time set up a federal system in the manner as in Canada viz., by creation of autonomous units and combining them into a federation by one and the same Act
- Reserve Bank of India Act, 1934
  - Government of India Act, 1935
  - Companies Act, 1956
  - None of the above
25. In which of the following parts of the Constitution, the Fundamental Rights are discussed?
- Part I
  - Part II
  - Part III
  - Part IV
26. The written code of fundamental rights exists in the constitution of
- India
  - America
  - England
  - Both (a) and (b)
27. The Constitution of England is
- Unwritten
  - Written
  - Written and Registered
  - Written, registered and vetted
28. The protection of individual freedom and fundamental rights in India rests not on constitutional guarantees but on public opinion, good sense of the people, strong common law, traditions favouring individual liberty, and the Parliamentary form of Government.
- True
  - False because the statement is true for America
  - False because the statement is true for England
  - False because the statement is true for America and England
29. The main purpose of the Bill of Rights in \_\_\_\_\_ was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials, to establish them as legal principles to be applied by the Courts
- England
  - USA
  - India
  - None of the above
30. Which of the following is true for the Constitution of USA?
- Judicial supremacy
  - Parliamentary supremacy
  - Both (a) and (b)
  - Neither (a) nor (b)
31. Which of the following is true for the Constitution of England?
- Judicial supremacy
  - Parliamentary supremacy
  - Both (a) and (b)
  - Neither (a) nor (b)
32. The Courts in the United States are competent to declare an Act of Congress as unconstitutional on the ground of contravention of any provision of the Bill of Rights.
- True
  - False because courts in India are competent to do so
  - False because courts in US are not competent to do so
  - False because an Act of Congress cannot be declared unconstitutional by any one in USA
33. Who in India recommended the inclusion of Fundamental Rights in Constitution for the country?
- Simon Commission
  - Joint Parliamentary Committee
  - Nehru Committee
  - Both (a) and (b)
34. Which of the following Acts gave representation to the Indians for the first time in legislation?
- Indian Councils Act, 1919
  - Govt. of India Act, 1935
  - Indian Councils Act, 1909
  - Govt. of India Act, 1919
35. Which of the following are included in the categories of fundamental rights as conferred by Constitution of India?

- I. Right to Equality
  - II. Right to Freedom
  - III. Right against Exploitation
  - IV. Right to Freedom of Religion
  - V. Cultural and Educational Rights
  - VI. Right to Constitutional Remedies
  - VII. Right to perfect Government
  - VIII. Right to Protection against Terrorists
    - a. I to IV
    - b. I to VI
    - c. I to VII
    - d. I to VIII
36. Right to Freedom of Religion is guaranteed under Articles \_\_\_\_\_ of the Constitution of India.
    - a. 14 to 18
    - b. 19 to 22
    - c. 23 and 24
    - d. 25 to 28
  37. Right to Constitutional Remedies is guaranteed under Article(s) \_\_\_\_\_ of the Constitution of India.
    - a. 23 and 24
    - b. 25 to 28
    - c. 29 and 30
    - d. 32
  38. Right to property is a \_\_\_\_\_ right under the Constitution of India
    - a. Fundamental
    - b. Fundamental and Operational
    - c. Legal
    - d. All of the above
  39. Earlier \_\_\_\_\_ was guaranteed under the Constitution but now it has been removed by an amendment and is only a legal right.
    - a. Cultural and Educational Rights
    - b. Right to Property
    - c. Right to Freedom of Religion
    - d. Right to Constitutional Remedies
  40. Articles 33 to 35 of the Constitution deals with
    - a. General provisions relating to Fundamental Rights
    - b. General provisions relating to Fundamental Duties
    - c. Right to Constitutional Remedies
    - d. Right to Property
  41. Fundamental Rights under the Articles 15, 16, 19 and 30 are
    - a. Guaranteed only to *citizens*
    - b. Available to any person on the soil of India—citizen or foreigner
    - c. Absolute limitations upon the legislative power
    - d. None of the above
  42. Fundamental Rights under Articles 14, 20, 21, 22, 23, 25, 27 and 28 are
    - a. Guaranteed only to *citizens*
    - b. Available to any person on the soil of India—citizen or foreigner
    - c. Absolute limitations upon the legislative power
    - d. None of the above
  43. Fundamental Rights under Articles 15, 17, 18, 20, 24 are
    - a. Guaranteed only to *citizens*
    - b. Available to any person on the soil of India—citizen or foreigner
    - c. Absolute limitations upon the legislative power
    - d. None of the above
  44. The definition of “the State” as per the Constitution of India includes which of the following?
    - I. the Government and Parliament of India
    - II. the Government and the Legislature of each of the States
    - III. all local or other authorities within the territory of India
    - IV. all local or other authorities under the control of the Government of India
      - a. II and III only
      - b. I and IV only
      - c. I, II and III
      - d. I, II, III, IV
  45. Authorities like Municipalities, District Boards, Panchayats, Improvement Trusts, Port Trusts and Mining Settlement Boards are known as \_\_\_\_\_
    - a. Local Authorities
    - b. Government Authorities
    - c. The State
    - d. The Alternate State



46. Match the following pairs of the statements with the True or False written against them. Identify the incorrect pair.

Statement		True/False
a.	The term 'Other authorities' includes all authorities created by the Constitution or Statute on whom powers are conferred by law and it is not necessary that the authority should engage in performing government functions	False
b.	Electricity Authorities are considered as "State" under the Constitution	True
c.	President is "State" when making an order under Article 359 of the Constitution	True
d.	Income Tax Department comes under the definition of "State" under the Constitution	True

47. Kolkata High Court held that since a Stock Exchange was independent of Government control and was not discharging any public duty, it cannot be treated as 'other authority' under Article 12.

- True
- False because the decision was held by Kerala High Court
- False because Stock Exchange is not independent of Government Control
- False because Stock Exchange discharges public duty and therefore is treated as 'other authority' under Article 12

48. In *Ajay Hasiav. Khalid Mujib*, the Supreme Court has enunciated the tests for determining whether an entity is an instrumentality or agency of the State. Which of the following statements give the correct test for the same?

- If the entire share capital of the Corporation is held by the Government
- Where the financial assistance of the State is so much as to meet almost the entire expenditure of the corporation
- Whether the corporation enjoys a perfect competition status which is conferred or protected by the State
- Existence of zero State control
- If the functions of the corporation are of public importance and closely related to government functions
- If a department of government is transferred to a corporation

- I to VI - all the points
- I, II, V, VI

c. II and III

d. I, III, VI

49. If a corporation enjoys a \_\_\_\_\_ status which is conferred or protected by the State, it is an instrumentality or agency of the State as enunciated by Supreme Court in the case law of *Ajay Hasiav. Khalid Mujib*

- Perfect competition
- Monopolistic competition
- Oligopoly
- Monopoly

50. Which of the following is considered to be "State" as per the tests conducted by various courts with respect to Constitutional guidance?

- Board of Control for Cricket in India (BCCI)
- Where the Court performs judicial functions, e.g. determination of scope of fundamental rights *vis-a-vis* legislature or executive action
- Gujarat State Electricity Board
- Cochin Stock Exchange

51. Article \_\_\_\_ of the Constitution of India lays down the rules of interpretation in regard to laws inconsistent with or in derogation of the Fundamental Rights

- 12
- 13
- 14
- 15

52. Article 13 deals with the fundamental rights with respect to

- Existing laws, i.e. laws already in force before the commencement of Constitution

- b. Future laws, i.e. laws made after the commencement of Constitution  
 c. Both (a) and (b)  
 d. Neither (a) nor (b)
53. Article 13 of the Constitution defines \_\_\_\_\_ as any Ordinance, order, bye-law, rule, regulation, notification, custom or usage having in the territory of India, the force of law.  
 a. Law  
 b. Code  
 c. Practice  
 d. Ruling
54. Article 13 of the Constitution of India is not applicable to  
 a. Government Organizations  
 b. Members of Parliament  
 c. Amendment of the Constitution made under article 368  
 d. Articles 334 - 368 of the Constitution
55. According to Article 13 of the Constitution, it is not the entire law which is affected by the provisions in Part III, but on the other hand, the law becomes invalid only to the extent to which it is inconsistent with the Fundamental Rights. Identify the correct doctrine evolved for the interpretation of Article 13.  
 a. Doctrine of Eclipse  
 b. Doctrine of Severability  
 c. Doctrine of Prospective Overruling  
 d. Doctrine of acquiescence
56. With respect to Article 13 of the Constitution, Supreme Court ruled that where an Act was partly invalid, if the valid portion was severable from the rest, the valid portion would be maintained, provided that it was sufficient to carry out the purpose of the Act. Identify the correct case law.  
 a. *A.K. Gopalan v. State of Madras*  
 b. *Zee Telefilms Ltd. v. Union of India*  
 c. *A.R. Antulay v. R.S. Nayak*  
 d. *Pradeep Kumar Biswas v. Indian Institute of Chemical Biology*
57. Which of the following doctrine applies only to pre constitutional laws as according to Article 13(2), State cannot even make any law which is contrary to the provisions of this Part?  
 a. Doctrine of Eclipse  
 b. Doctrine of Severability  
 c. Doctrine of Prospective Overruling  
 d. Doctrine of Acquiescence
58. Though an existing law inconsistent with a fundamental right becomes in-operative from the date of the commencement of the Constitution, yet it is not dead altogether. A law made before the commencement of the Constitution remains dormant to the extent it comes under the shadow of the fundamental rights, i.e. is inconsistent with it, but the dormant parts become active and effective again if the prohibition brought about by the fundamental rights is removed by the amendment of the Constitution. This is known as the \_\_\_\_\_.  
 a. Doctrine of Eclipse  
 b. Doctrine of Severability  
 c. Doctrine of Prospective Overruling  
 d. Doctrine of acquiescence
59. The Doctrine of Eclipse was first evolved in the case of \_\_\_\_\_.  
 a. *Bhikaji Narain Dhakras v. State of M.P*  
 b. *A.K. Gopalan v. State of Madras*  
 c. *Zee Telefilms Ltd. v. Union of India*  
 d. *A.R. Antulay v. R.S. Nayak*
60. \_\_\_\_\_ is based on the premise that a person is his best judge and that he has the liberty to waive the enjoyment of such rights as are conferred on him by the State. However, the person must have the knowledge of his rights and that the waiver should be voluntary.  
 a. Doctrine of Eclipse  
 b. Doctrine of Severability  
 c. Doctrine of Waiver  
 d. Doctrine of Acquiescence
61. Doctrine of waiver was first evolved in the case law of  
 a. *Bhikaji Narain Dhakras v. State of M.P*  
 b. *A.K. Gopalan v. State of Madras*  
 c. *Bhikaji Nath v. C.I.T*  
 d. *A.R. Antulay v. R.S. Nayak*
62. A law may be constitutional, even though it relates to a single individual, if that single individual is treated as a class by himself on some peculiar circumstances. Identify the correct options from the following :  
 a. Doctrine of acquiescence  
 b. Right of equality



- c. Right of freedom of speech  
d. Single Person Law
63. Mr. C. L. Chawdhary was an ordinary shareholder of the XYZ Spinning and Weaving Co. Ltd., a Textile Company. Later, on account of mismanagement, a situation had arisen that brought about the closing down of the mill, thus affecting the production of an essential commodity, apart from causing serious unemployment amongst certain section of the community. The Central Government issued an Ordinance which was later replaced by an Act, known as XYZ Spinning & Weaving Co. (Emergency Provisions) Act, 1950. With the passing of this Act, the management and the administration of the assets of the company were placed under the control of the directors appointed by the Government. As regards the shareholders, the Act declared that they could neither appoint a new director nor could take proceedings against the company for winding up. Mr. C. L. Chawdhary filed a writ petition on the ground that the said Act infringed the rule of equal protection of laws as embodied in Article 14, because a single company and its shareholders were subjected to disability as compared with other companies and their shareholders. Is the plea of Mr. C. L. Chawdhary acceptable by the Court?
- a. Yes.  
b. No because a law may be constitutional, even though it relates to a single individual, if that single individual is treated as a class by himself on some peculiar circumstances.  
c. No because Doctrine of Waiver will be considered as an important provision in the case and the Central Government did not want to waive the fundamental right of issuing an Ordinance.  
d. No because of both b and c
64. Article 14 guarantees to every person the
- a. right to equality before the law  
b. the equal protection of the laws  
c. both a and b  
d. neither a nor b
65. Article 14 - equality before the law and equal protection of the laws is applicable to
- a. Citizens of India  
b. Residents of India  
c. Persons within the territory of India and are the citizens of India  
d. All the persons irrespective of they are citizens or not
66. Article 14 - equality before the law and equal protection of the laws is applicable to
- a. All the persons irrespective of they are citizens or not  
b. Corporation, which is a juristic person  
c. Both (a) and (b)  
d. Neither (a) nor (b)
67. Article 14 - equality before the law and equal protection of the laws prohibits the legislative classification or distinction is made carefully between persons who are and who are not similarly situated
- a. True because equality means, every person should be treated equally  
b. True because doctrine of classification is not applicable to Article 14 of the Constitution of India  
c. False because equality means, equal treatment of law but doesn't mean that persons cannot be discriminated  
d. False because what Article 14 prohibits is discrimination and not classification if otherwise such classification is legal, valid and reasonable
68. "To separate persons similarly situated from those who are not, legislative classification or distinction is made carefully between persons who are and who are not similarly situated." Which of the following doctrine is discussed in the given statement?
- a. Doctrine of Eclipse  
b. Doctrine of Legislative Classification  
c. Doctrine of Severability  
d. Doctrine of Waiver
69. Judgments during the case of *State of West Bengal v. Anwar Ali Sarkar* provides the
- a. Classical Test of Valid Classification  
b. Classical Test of Doctrine of Eclipse  
c. Classical Test of Valid Prospective Overruling  
d. Classical Test of Doctrine of Acquiescence
70. Identify the correct tests of valid classification as discussed in the Supreme Court case law of *State of West Bengal v. Anwar*

*Ali Sarkar.* Permissible classification must satisfy

- a. it must be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group
  - b. The differentia must have a rational nexus with the object sought to be achieved by the statute in question
  - c. Both (a) and (b)
  - d. Either (a) or (b)
71. The doctrine of legislative classification permits classification of persons based on
- a. Geography
  - b. Occupation
  - c. Educational qualification
  - d. Any of the above
72. Identify the incorrect statement about the doctrine of legislative classification under Article 14 of the Constitution of India.
- a. Laying down of intelligible differentia does not, however mean that the legislative classification should be scientifically perfect or logically complete
  - b. The classification may be founded on different basis, such as, geographical, or according to objects or occupation or the like. What is necessary is that there must be a nexus between the basis of classification and the object of the Act under consideration.
  - c. A legal and valid classification may be based on educational qualifications
  - d. None of the above
73. Which of the following is false about Article 14 of the Constitution of India?
- a. Article 14 forbids class legislation, but does not forbid classification
  - b. Permissible classification must satisfy two conditions, namely, (a) it must be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group, and (b) the differentia must have a relation to the object sought to be achieved by the statute in question
  - c. The classification may be founded on different basis, namely geographical, or according to objects or occupations or the like.
  - d. In permissible classification, mathematical nicety and perfect equality are utmost important.
74. Article 15 of the Constitution deals with
- a. Abolition of untouchability
  - b. Equality of opportunity in matters of public employment
  - c. Prohibition of discrimination on grounds of religion etc.
  - d. Abolition of titles
75. Article 15 of the Constitution of India
- a. Guarantees to all citizens equality of opportunity in matters relating to employment or appointment of office under the State
  - b. Prohibits discrimination against a citizen on the grounds of religion, race, caste, sex, descent, place of birth or residence
  - c. Prohibits discrimination against a citizen on the grounds of religion, race, caste, sex, place of birth or any of them
  - d. Both (a) and (b)
76. Article 15(1) prohibits the State from discriminating against any citizen on grounds only of
- a. Religion, race, sex or any of them
  - b. Religion, race, caste or any of them
  - c. Religion, race, caste, sex or any of them
  - d. Religion, race, caste, sex, place of birth or any of them
77. Article 15(3) permits the State to make special provision for the advancement of
- a. Women and children
  - b. Socially and educationally backward classes of citizens
  - c. Scheduled Caste and Scheduled Tribe
  - d. Both (b) and (c)
78. Article 15(4) permits the State to make special provision for the advancement of
- a. Women and children
  - b. Socially and educationally backward classes of citizens
  - c. Scheduled Caste and Scheduled Tribe
  - d. Both (b) and (c)



79. In many States and Local Municipal Transport Services, the bus services have clearly identified seats for ladies which are unoccupied by the adult male travellers if any woman traveller boards the bus. Under which of the following Articles, this action of States and Local Municipal Transport Services is permitted?
- Article 15(1)
  - Article 15(2)
  - Article 15(3)
  - Article 15(4)
80. Ministry of Micro, Small and Medium Enterprises (MSME) in India has been issued many schemes providing special assistance, subsidies and financial benefits to entrepreneur from scheduled caste, scheduled tribe and North-East Regions of India. Discuss the validity the same under Article 15- "discrimination on grounds of religion, race, sex, caste, place of birth or any of them".
- The schemes issued by Ministry of MSME is violating the Article 15 of the Constitution, as it is prohibiting discrimination on grounds of caste.
  - The Schemes issued by Ministry of MSME is valid under Article 15(3) as it allows the validity of legislation or executive orders discriminating in favour of women.
  - The Schemes issued by Ministry of MSME is valid under Article 15(4) as it permits the State to make special provision for the advancement of socially and educationally backward classes of citizens, SC and ST.
  - None of the above
81. Article 16 of the Constitution deals with
- Abolition of untouchability
  - Equality of opportunity in matters of public employment
  - Prohibition of discrimination on grounds of religion etc.
  - Abolition of titles
82. Article 16 of the Constitution of India
- Guarantees to all citizens equality of opportunity in matters relating to employment or appointment of office under the State
  - Prohibits discrimination against a citizen on the grounds of religion, race, caste, sex, descent, place of birth or residence
  - Prohibits discrimination against a citizen on the grounds of religion, race, caste, sex, place of birth or any of them
  - Both (a) and (b)
83. Which of the following are valid exceptions to Article 16 - Equality of opportunity in matters of public employment?
- |  |
|--|
| <ol style="list-style-type: none"> <li>Parliament can make a law in regard to a class or classes of employment or appointment to an office under the Government of a State on a Union Territory</li> <li>A provision can be made for the reservation of appointments or posts in favour of any backward class of citizens</li> <li>Parliament can make a law in regard to a class or classes of employment or appointment to an office based on the religion that the applicant may be following</li> <li>A provision can be made for the reservation of appointments or posts in favour of persons of higher and rich class of citizen</li> </ol> |
|--|
- I and II
  - I, II and III
  - I and III
  - II and IV
84. In 1955 Parliament enacted the Untouchability (Offences) Act 1955. In 1976, the Act was amended and renamed as the
- Constitution of India
  - Civil Procedure Code
  - Protection of Civil Rights Act
  - The Act is not renamed and remains with the same name as it was in 1955
85. As per the Declaration of American Independence 1776, which of the following rights is not endowed by the creator on all men?
- Life
  - Liberty
  - Virtue
  - Pursuit of happiness
86. Article 17 of the Constitution deals with
- Abolition of untouchability
  - Equality of opportunity in matters of public employment

- c. Prohibition of discrimination on grounds of religion etc.  
 d. Abolition of titles
87. Article 18 of the Constitution deals with
- Abolition of untouchability
  - Equality of opportunity in matters of public employment
  - Prohibition of discrimination on grounds of religion etc.
  - Abolition of titles
88. Article 18 of the Constitution of India confers that no person, who is not a citizen of India shall, while he holds any office or trust under the State, accept without the consent of the \_\_\_\_\_, any title from any foreign State.
- Prime Minister
  - Leader of the Ruling Party
  - President
  - Ministry of External Affairs
89. Identify the incorrect statement about Article 18 of the Constitution of India from the following:
- The Awards like Bharat Ratna, Padma Bhushan, Padma Vibhushan etc. are in violation of Article 18 of the Constitution of India
  - The National awards do not amount to "titles" within the meaning of Article 18(1) and they should not be used as suffixes or prefixes
  - No person, who is not a citizen of India shall, while he holds any office or trust under the State, accept without the consent of the President, any title from any foreign State
  - No person, holding any office of profit or trust under State shall without the consent of the President, accept any present, emolument or office of any kind from or under a foreign State
90. Articles 19 to 22 of the Constitution of India deals with the rights related to
- Equality
  - Freedom
  - Equanimity
  - Education
91. The rights to freedom as conferred under Articles 19 to 22 of the Constitution are \_\_\_\_\_ inherent in the status of a citizen.
- Contractual rights
  - Provisional rights
  - Natural rights
  - Inherited rights
92. Which of the following statements is incorrect?
- Natural rights are universal rights which are inherent in every individual being a part of human nature
  - Civil rights are the rights that citizen of a country enjoy and are conferred by the constitution or law of the country
  - Articles 15, 16, 19, 20 and 29 in the Chapter on Fundamental Rights in the Indian Constitution (Part III) are available to Indian Citizen only
  - Human rights are contained in United Nations Universal declaration of Human Rights 1948
- I, II, IV
  - I and III
  - I, II, III, IV
  - II and III
93. The fundamental rights can be suspended by
- Parliament
  - President
  - Supreme Court
  - President in consultation with Supreme Court
94. The rights to freedom as conferred under Articles 19 to 22 of the Constitution are Natural Rights inherent in the status of a citizen. These rights of freedom are
- Absolute rights
  - Subject to reasonable restrictions
  - Both (a) and (b)
  - Either (a) or (b)
95. Articles 19(2) to 19(6) permit the imposition of restrictions on the Fundamental Rights to Freedoms subject to which of the following conditions?
- The restriction can be imposed by law and not by a purely executive order issued under a statute
  - The restriction must be reasonable
  - The restriction must be imposed for achieving one or more of the objects specified in the respective clauses of Article 19



- d. All of the above
96. Articles 19(2) to 19(6) permit the imposition of restrictions on the Fundamental Rights to Freedoms subject to certain conditions including that "the restriction must be reasonable". The onus of proving to the satisfaction of the Court that the restriction is reasonable is upon the
- President
  - Judiciary
  - State
  - Parliament
97. Which of the following are not the parts of the Fundamental Rights of Freedom as conferred under Articles 19 to 22 of the Constitution of India?
- Freedom of speech and expression
  - Assemble peaceably and without arms
  - Form associations or unions
  - Move freely, throughout the territory of India
  - Reside and settle in any part of the territory of India
  - Practice any profession, or to carry on any occupation, trade or business
  - Freedom of choice of the life partner and live the life with him/her
  - Freedom of Education and Sanitation
- I to VI
  - I, IV, VII and VIII
  - II, III and VIII
  - VII and VIII
98. Right to freedom of speech and expression does not include
- Right to good speech
  - Right to bad speech
  - Right not to speak
  - None of the above
99. Right to freedom of speech and expression includes
- Right to good or bad speech and right not to speak
  - Freedom of press and right to publish one's opinion and right to circulation and propagation of one's ideas
  - Freedom of peaceful demonstration, dramatic performance and cinematography
  - All of the above
100. The right to freedom of speech is infringed not only by a direct ban on the circulation of a publication but also by an action of the Government which would adversely affect the circulation of the paper.
- True
  - False because right to freedom of speech does not include circulation of a publication
  - False because right to freedom of speech does not invalidate the actions of the Government
  - False because of both (b) and (c)
101. In the case law of *Hamdard Dawakhana v. Union of India* a landmark judgment regarding the Fundamental Right of Speech and Expression was made that
- The right to freedom of speech is infringed not only by a direct ban on the circulation of a publication but also by an action of the Government which would adversely affect the circulation of the paper
  - The freedom of speech and expression under Article 19(1)(a) means the right to express one's convictions and opinions freely by word of mouth, writing, printing, pictures or any other mode.
  - Commercial advertisement do not fall within the protection of freedom of speech and expression because such advertisements have an element of trade and commerce
  - All of the above
102. In the case law of *Maneka Gandhi v. Union of India* a landmark judgment regarding the Fundamental Right of Speech and Expression was made that
- The right to freedom of speech is infringed not only by a direct ban on the circulation of a publication but also by an action of the Government which would adversely affect the circulation of the paper
  - The freedom of speech and expression under Article 19(1)(a) means the right to express one's convictions and opinions freely by word of mouth, writing, printing, pictures or any other mode.

- c. Commercial Advertisement do not fall within the protection of freedom of speech and expression because such advertisements have an element of trade and commerce
- d. All of the above
103. In the case law of *Sakal Papers (P) Ltd. v. Union of India* a landmark judgment regarding the Fundamental Right of Speech and Expression was made that
- a. The right to freedom of speech is infringed not only by a direct ban on the circulation of a publication but also by an action of the Government which would adversely affect the circulation of the paper
- b. The freedom of speech and expression under Article 19(1)(a) means the right to express one's convictions and opinions freely by word of mouth, writing, printing, pictures or any other mode.
- c. Commercial Advertisement do not fall within the protection of freedom of speech and expression because such advertisements have an element of trade and commerce
- d. All of the above
104. The right to know, 'receive and impart information' has been recognized within the right to
- a. Equality of opportunity
- b. Freedom of speech and expression
- c. Prohibition of discrimination on grounds of religion etc.
- d. Freedom of practice any profession, or to carry on any occupation, trade or business
105. The right to reply, i.e. the right to get published one's reply in the same news media in which something is published against or in relation to a person
- a. Not within the Constitution of India
- b. Is within the scope of Fundamental Right to Freedom of Speech and Expression
- c. Is within the scope of Right to Equality of law and equal protection of law
- d. Not a Fundamental Right
106. The Supreme Court in *Union of India v. Naveen Jindal* has held that right to fly the National Flag freely with respect and dignity is a \_\_\_\_\_ of a citizen of India.
- a. Contractual Right
- b. Fundamental Right
- c. Fundamental Duty
- d. Legal Right
107. Mr. A, a producer of films is discussing about Fundamental Rights and Fundamental Duties of citizens of India with Mr. B, a lawyer. Mr. A is very upset about the censorship of certain scenes from his film by the Censorship Board and argues with Mr. B that censorship of films is a violation of fundamental right of speech and expression. What is your opinion about this?
- a. Mr. A is correct.
- b. Mr. A is correct about the violation of fundamental right but it is a violation of fundamental right of practice any profession, or to carry on any occupation, trade or business.
- c. Mr. A is incorrect about the violation of fundamental right because Article 19 provides for the reasonable restrictions on the fundamental rights.
- d. Mr. A is incorrect about the violation of fundamental right because it is his fundamental duty to obey the orders of the censorship board.
108. Reasonable restrictions of the fundamental rights under the Constitution of India can be imposed by
- a. The Supreme Court
- b. The enacted law
- c. The President in consultation with Supreme Court
- d. The executive action of the legislative authorities
109. Article 19(1)(b) of the Constitution of India deals with
- a. Right to form associations or unions
- b. Right to move freely throughout the territory of India
- c. Right to assemble peacefully without arms
- d. Right to practice any profession
110. The Fundamental Right of Freedom of Assembly deals with the rights of citizens to assemble
- a. Peacefully
- b. Peacefully and with arms



- c. Peacefully and without arms  
d. Peacefully and with or without arms
111. The Fundamental Right to association includes freedom to
- Assemble peacefully and without arms
  - Assemble peacefully and with or without arms
  - Hold meeting and to take out processions without arms
  - Hold meeting and to take out processions with or without arms
112. The reasonable restrictions with regard to Fundamental Right of Assembly could be in the interest of
- the sovereignty and integrity of India, public order or morality
  - public order or morality
  - the sovereignty and integrity of India or public order
  - the sovereignty and integrity of India or morality
113. The reasonable restrictions with regard to Fundamental Right of Association could be in the interest of
- the sovereignty and integrity of India or public order
  - the sovereignty and integrity of India or morality
  - public order or morality
  - the sovereignty and integrity of India, public order or morality
114. Fundamental Right to movement includes the right to move freely throughout the territory of
- India
  - Foreign locations
  - India including foreign locations
  - India excluding sites protected by archeological department
115. The reasonable restrictions for the Fundamental Right to movement includes the restrictions in the interests of
- The sovereignty and integrity of India, public order or morality
  - General public or for the protection of the interests of any scheduled tribe
  - General public, for the protection of the interests of any scheduled tribe, or morality
  - Sovereignty and integrity of India, Security of the State, Friendly relations with foreign States, Public Order, Decency or morality or Contempt of Court
116. Article 19(1)(e) guarantees to a citizen the right to
- Freedom of speech and expression
  - Freedom of religion
  - Freedom of movement within the territory of India
  - Freedom to reside and settle in any part of the territory of India
117. Right to acquire, hold and dispose of property is
- A Fundamental Right conferred by the Constitution of India
  - A Fundamental Duty along with a Fundamental Right conferred by the Constitution of India
  - A Fundamental Right deleted by the amendment of the Constitution of India
  - A Fundamental Right added in the old version by the amendment of the Constitution of India
118. Right to acquire, hold and dispose of property was deleted by the \_\_\_\_\_ amendment of the Constitution in the year 1978
- 41st
  - 42nd
  - 43rd
  - 44th
119. Article 19(1)(g) provides that all citizens shall have the right to
- Freedom of speech and expression
  - Freedom to practice any profession, or to carry on any occupation, trade or business
  - Freedom of movement within the territory of India
  - Freedom to reside and settle in any part of the territory of India
120. Article 19(1)(g) of the Constitution related to the freedom to practice any profession, or to carry on any occupation, trade or business is not applicable if
- Article 19(6) imposes reasonable restrictions on this freedom in the interests of the general public



- b. There is a prescription of professional or technical qualifications necessary for carrying on any profession, trade business
- c. The State to carries on any trade or business to the exclusion of private citizens, wholly or partially
- d. Any of the above

121. See the following case and discuss its constitutional validity

The State law prohibited the manufacture of bidis in the villages during the agricultural season. No person residing in the village could employ any other person nor engage himself, in the manufacture of bidis during the agricultural season. The object of the provision was to ensure adequate supply of labour for agricultural purposes. The bidi manufacturer could not even import labour from outside, and so, had to suspend manufacture of bidis during the agricultural season. Even villagers incapable of engaging in agriculture, like old people, women and children, etc., who supplemented their income by engaging themselves manufacturing bidis were prohibited without any reason.

- a. The State Law is a valid and reasonable restriction under Article 19(6) of the Constitution of India
  - b. The State Law is unreasonable under Article 19(1)(g) of the Constitution of India
  - c. The State Law is reasonable as it is for the betterment of the agriculture and it prohibits the dangerous goods like bidi
  - d. Both (a) and (c)
122. Which of the following Articles of Constitution of India provides for protection against ex-post facto laws, Protection against double jeopardy and Protection against self-incrimination?
- a. Articles 19 to 22
  - b. Articles 20 to 22
  - c. Articles 21 and 22
  - d. Article 20
123. According to Article 20(1) - Protection against Ex-post Facto Laws,
- a. A person cannot be convicted of any offence except for violation of a law

in force at the time of the commission of the act, and cannot 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

- b. A person cannot be prosecuted and punished for the same offence more than once
  - c. A person cannot be accused of any offence shall be compelled to be a witness against himself
  - d. A person cannot be deprived of his life or personal liberty except according to procedure established by law
124. Under which of the following Fundamental Rights, a person cannot be prosecuted and punished for the same offence more than once?
- a. Protection against ex-post facto laws
  - b. Protection against self-incrimination
  - c. Protection against double jeopardy
  - d. Protection of life and personal liberty
125. Under which of the following Fundamental Rights, a person cannot be accused of any offence shall be compelled to be a witness against himself?
- a. Protection against double jeopardy
  - b. Protection of life and personal liberty
  - c. Protection against ex-post facto laws
  - d. Protection against self-incrimination
126. According to Article 20(3), no person accused of any offence shall be compelled to be a witness against himself. But a person is entitled to this protection, only when following conditions are fulfilled. Choose the best option for the fulfillment of conditions.

- I. that he must be accused of an offence;
- II. that there must be a compulsion to be a witness; and
- III. such compulsion should result in his giving evidence against himself.

- a. Condition I is mandatory and condition II and III need not to be fulfilled
- b. Condition I and II are mandatory and condition III need not to be fulfilled
- c. Condition II and III are mandatory and condition I need not to be fulfilled



- d. All the three conditions must be fulfilled
127. The 'right against self-incrimination' protects persons
- Who have been formally accused
  - Those who are examined as suspects in criminal cases
  - Witnesses who apprehend that their answers could expose them to criminal charges in the ongoing investigation
  - All of the above
128. Article 21 confers on every person the fundamental right to
- Protection against self-incrimination
  - Protection against double jeopardy
  - Protection of life and personal liberty
  - Protection against ex-post facto laws
129. Which of the following is not the part of Article 21 - fundamental right to protection of life and personal liberty?
- Right of a couple to adopt a son
  - Right to live with human dignity
  - Right to live in freedom from noise pollution
  - Right to have air conditions in the jail
130. Which of the following is not the part of Article 21 - fundamental right to protection of life and personal liberty?
- Right to privacy
  - Refusal of an application to enter a medical college
  - Right to travel
  - Right of a couple to adopt a son
131. Unlawful denial of a passport is a violation of which of the following fundamental rights?
- Freedom of speech and expression
  - Protection of life and personal liberty
  - Protection against ex-post facto laws
  - Freedom of movement throughout the territory of India
132. Fundamental Right to Education is
- Deleted from the constitution by 44th amendment in 1978
  - Introduced in the constitution by 68th amendment in 2002
  - Deleted from the constitution by 44th amendment in 2002
  - Introduced in the constitution by 68th amendment in 1978
133. Fundamental Right to Property is
- Deleted from the constitution by 44th amendment in 1978
  - Introduced in the constitution by 68th amendment in 2002
  - Deleted from the constitution by 44th amendment in 2002
  - Introduced in the constitution by 68th amendment in 1978
134. Fundamental right to Education is discussed under Article \_\_\_\_\_ of the Constitution.
- 19
  - 20
  - 21
  - 21A
135. According to Fundamental Right of Education, the State shall provide free and compulsory education to all children of age \_\_\_\_\_ years in such manner as the State, by law, may determine.
- 4 to 20
  - 6 to 16
  - 6 to 14
  - 10 to 18
136. Article 22 provides that right of life and personal liberty is not available to
- Alien enemies
  - Person arrested or detained under preventive detention law
  - Both (a) and (b)
  - Neither (a) nor (b)
137. As per Article 22 of the Constitution, A person who is arrested and detained must be produced before the nearest magistrate within a period of \_\_\_\_\_ of such arrest, excluding the time of journey. And such a person shall not be detained in custody beyond \_\_\_\_\_ without the authority of magistrate.
- 24 hours ; one week
  - One week ; 15 days
  - 24 hours ; 24 hours
  - 48 hours ; 24 hours

138. Preventive detention means detention of a person without
- Permission of the Supreme Court
  - Evidence
  - Valid reason
  - Trial
139. Which of the following statement is false about preventive detention?
- Preventive detention means detention of a person without trial.
  - The object of preventive detention is not to punish a person for having done something but to prevent him from doing it. No offence is proved nor any charge formulated and yet a person is detained because he is likely to commit an act prohibited by law.
  - Parliament and State Legislatures have the power to make a law for preventive detention for reasons connected with defence, foreign affairs or the security of India.
  - Parliament and State Legislatures are both entitled to pass a law of preventive detention for reasons connected with the security of State, the maintenance of public order, or the maintenance of supplies and services essential to the community.
140. \_\_\_\_\_ has/have the power to make a law for preventive detention for reasons connected with defence, foreign affairs or the security of India.
- Supreme Court
  - Parliament
  - Parliament and State Legislatures
  - President
141. \_\_\_\_\_ has/have the power to pass a law of preventive detention for reasons connected with the security of State, the maintenance of public order, or the maintenance of supplies and services essential to the community.
- Supreme Court
  - Parliament
  - Parliament and State Legislature
  - President
142. A person detained under the provision of preventive detention cannot be detained for more than \_\_\_\_\_
- One month
  - Three months
  - Six months
  - Twelve months
143. Articles 23 and 24 deals with
- Rights against exploitation
  - Right of abolition of untouchability
  - Right of protection life and personal liberty
  - Safeguards against preventive detention
144. Article 23 deals with
- Prohibition of traffic in human beings and forced labour
  - Prohibition of employment of children
  - Protection of life and personal liberty
  - Safeguards against preventive detention
145. Article 24 deals with
- Prohibition of traffic in human beings and forced labour
  - Prohibition of employment of children
  - Protection of life and personal liberty
  - Safeguards against preventive detention
146. \_\_\_\_\_ means to deal in men and women like goods, such as to sell or let or otherwise dispose them of.
- Traffic in human beings
  - Forced labour
  - Begar
  - Employment of children
147. \_\_\_\_\_ means involuntary work without payment.
- Traffic in human beings
  - Begar
  - Employment of children
  - All of the above
148. Article 24 prohibits the employment of children below the age of \_\_\_\_\_ in any factory or mine.
- Ten
  - Fourteen
  - Sixteen
  - Eighteen



149. The Supreme Court has issued detailed guidelines as to child labour in the case law of
- Menaka Gandhi v. Union of India*
  - M.C. Mehta v. State of T.N.*
  - 44th Constitution Amendment Act, 1978
  - 68th Constitution Amendment Act, 2002
150. Article 25 gives to every person the
- Freedom of conscience
  - The right freely to profess, practice and propagate religion
  - Freedom of education
  - Both (a) and (b)
151. The Supreme Court in *State of Karnataka v. Dr. Praveen Bhai Thogadia* held that \_\_\_\_\_ means that State should have no religion of its own and each person, whatever his religion, must get an assurance from the State that he has the protection of law to freely profess, practice and propagate his religion and freedom of conscience.
- Socialism
  - Secularism
  - Capitalism
  - Communism
152. The fundamental right to religion conferred by Article 25 of the Constitution of India is applicable to
- Citizens of India
  - Aliens
  - Individuals exercising their rights through institutions
  - All of the above
153. According to Article 25 of the Constitution of India, the term 'Hindu' includes
- Sikh, Jain and Buddhist religions
  - Sikh, Jain, Buddhist and Christian religions
  - Sikh, Jain, Buddhist and Parasi religions
  - Jain and Buddhist religions
154. According to Article 25 of the Constitution of India, Special right has been accorded to the Sikhs to wear \_\_\_\_\_ as part of professing their religion.
- Kurta
  - Kirpan
  - Kada
  - Pagdi
155. What is the definition of 'Religion' as per Article 25 of the Constitution of India?
- The belief in and worship of a super-human controlling power, especially a personal God or gods
  - Organized collection of beliefs, cultural systems, and world views that relate humanity to an order of existence
  - Faith, belief systems and set of duties conferred by God or gods
  - Constitution does not define the word 'religion'
156. Article 26 grants to every religious denomination or any sect thereof the right
- |  |
|--|
| I. to establish and maintain institutions of religious and charitable purposes |
| II. to manage its own affairs in matters of religion                           |
| III. to own and acquire movable and immovable property                         |
| IV. to administer such property in accordance with law                         |
- I and II
  - II, III and IV
  - I, III and IV
  - I - IV all
157. According to Article 27, no person \_\_\_\_\_ compelled to pay any taxes, the proceeds of which are specially appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.
- Must be
  - Is not required to be
  - Can be
  - Cannot be
158. Article 28 provides that No religious instruction can be provided in any educational institution wholly maintained out of
- Funds of the NGOs
  - Funds provided by Family Foundations
  - State funds
  - Private School funds

159. The Indian Constitution refers to minorities based on:

- a. Religion or Language
- b. Region or Culture
- c. State or Region
- d. Culture or Cast

160. Articles 29 and 30 of the Constitution of India deals with

- a. Cultural and educational rights of the minorities
- b. Rights of protection of life and personal liberty
- c. Rights of education
- d. Rights related to property

161. Citizens from Tamil Nadu or Bengal have the right to conserve their language or culture if they are living in Delhi, a Hindi speaking area and vice versa. This right has been conferred to the citizens by Article \_\_\_ of the Constitution of India.

- a. 28
- b. 29
- c. 20
- d. 32

162. Article 29 - Protection of interests of minorities - provides that

- I. Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own has the right to conserve the same.
- II. No citizen can be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language, or any of them.
- III. All minorities, whether based on religion or on language, shall have the right to establish and administer educational institutions of their choice.
- IV. The State cannot, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

- a. I and II
- b. I, II and III
- c. III and IV
- d. I, II, III and IV

163. Article 30 - Right of Minorities to establish and administer educational institutions- provides that

- I. Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own has the right to conserve the same.
- II. No citizen can be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language, or any of them.
- III. All minorities, whether based on religion or on language, shall have the right to establish and administer educational institutions of their choice.
- IV. The State cannot, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

- a. I and II
- b. I, II and III
- c. III and IV
- d. I, II, III and IV

164. Under Article 29, there is a prohibition of denial of admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language, or any of them. This right is available to

- a. Citizens of India
- b. Group of Citizens
- c. Any person in India whether Citizen or not
- d. Citizens, group of citizens including corporations

165. As per Article 30, all minorities shall have the right to establish and administer educational institutions of their choice. The article includes which of the following minorities?

- a. Linguistic minorities
- b. Religious minorities
- c. Both linguistic and religious minorities
- d. Neither linguistic nor religious minorities



166. In *DAV College v. State of Punjab*, it was held that any community—religious or linguistic, which is numerically less than \_\_\_\_\_ of the population of that State, is a minority within the meaning of Article 30.
- 70%
  - 50%
  - 30%
  - 20%
167. Which of the following laws are 'void' under article 31A of the Constitution of India?
- The taking over of the management of any property by the State for a limited period either in the public interest or in order to secure the proper management of the property
  - The amalgamation of two or more corporations either in the public interest or in order to secure the proper management of any of the corporations
  - The extinguishment or modification of any rights of managing agents, secretaries and treasurers, managing directors or managers of corporations, or of any voting rights of shareholders thereof
  - None of the above
168. Article 32 of the Indian Constitution
- Enforces the Fundamental Duties on the Citizens
  - Provides the Fundamental Rights to the Citizens
  - Guarantees the enforcement of Fundamental Rights
  - Contains the supplementary provisions
169. Articles 33-35 of the Indian Constitution
- Enforces the Fundamental Duties on the Citizens
  - Provides the Fundamental Rights to the Citizens
  - Guarantees the enforcement of Fundamental Rights
  - Contains the supplementary provisions
170. Article 32 makes it a fundamental right that a person whose fundamental right is violated has the right to move the \_\_\_\_\_ by appropriate proceedings for the enforcement of this fundamental right.
- Civil court
  - High court
  - Supreme court
  - Criminal court
171. How can fundamental rights be protected by a citizen?
- The citizen will inform the high court
  - It doesn't require any process. It is automatically protected
  - By approaching the Supreme Court who will issue writs against the authority
  - Parliament will take note of such violations and issue summons to the courts
172. *Habeas corpus, mandamus, prohibition, quo warranto and certiorari* etc. are the types of \_\_\_\_\_
- Writs
  - Judgments
  - Appeals
  - Applications
173. The authority to issue writs for the enforcement of fundamental rights rests with
- The President
  - The Supreme Court
  - The Parliament
  - The President in consultation with Supreme Court
174. The right guaranteed by Article 32, to a person to directly approach the Supreme Court in case of violation of any of the Fundamental Rights can be suspended on by
- Judicial Authorities through trial
  - President's order under Article 359 when a proclamation of Emergency is in force
  - Supreme Court's order under Article 359 when a proclamation of Emergency is in force
  - None of the above. The right guaranteed under Article 32 cannot be suspended by anyone
175. Article 33 of the Indian Constitution
- Guarantees the enforcement of Fundamental Rights

- b. Authorizes Parliament to restrict or abrogate the application of fundamental rights in relation to members of armed forces, para-military forces, police forces and analogous forces
- c. Is primarily concerned with granting indemnity by law in respect of acts done during operation of martial law
- d. Provide that wherever parliament has by an express provision been empowered to make a law restricting a fundamental right Parliament alone can do so, (and not the state legislature)
176. Which of the following articles provides for the amendment process of the Constitution?
- 359
  - 368
  - 369
  - 372
177. In which of the following case laws, the amendment to Fundamental Rights under the Constitution was challenged first time?
- Shankari Prasad v. Union of India*
  - Menaka Gandhi v. Union of India*
  - Sajjan Singh v. State of Rajasthan*
  - Golak Nath v. State of Punjab*
178. Right to participate in Government equal opportunity to occupy the highest office by qualification gives the citizens
- National liberty
  - Political liberty
  - Natural liberty
  - Civil liberty
179. Who is competent to amend the fundamental rights under Article 368?
- Judiciary Authorities
  - Parliament
  - President
  - Supreme Court
180. Directive Principles of State Policy are discussed in the part \_\_\_\_ of the Constitution.
- II
  - III
  - IV
  - V
181. Articles \_\_\_\_\_ included in the part \_\_\_\_\_ of the Constitution contain certain Directives which are the guidelines for the future Government to lead the country. These are known as "Directive Principles of the State".
- 14 to 35 ; III
  - 14 to 22 ; III
  - 36 to 51 ; IV
  - 36 to 51 ; III
182. According to Article 37 of the Constitution, the Directive Principles of State
- shall not be enforceable by any Court of the law
  - shall be enforceable by the Supreme Court only
  - shall be enforceable by the all the courts except the Supreme Court
  - shall be enforceable by the Parliament only
183. Which of the following is enforceable in a court of law?
- Preamble
  - Fundamental Rights
  - Fundamental Duties
  - Directive Principles
184. The principals which are not enforceable by any Court of law and are fundamental in the governance of the country and it shall be the duty of the state to apply these principles in making laws are known as
- Fundamental Rights
  - Fundamental Duties
  - Directive Principles of the State
  - Amendments of the Constitution
185. Which of the following statements about the Directive Principles of State is not correct?
- The Directives are not enforceable in the courts and do not create any justiciable rights in favour of individuals. Also, the courts are not competent to compel the Government to carry out any Directives or to make any law for that purpose.
  - The Directives *per se* do not confer upon or take away any legislative power from the appropriate legislature.
  - The courts can declare any law as void on the ground that it contravenes any of the Directive Principles.



- d. Though it is the duty of the state to implement the Directives, it can do so only subject to the limitations imposed by the different provisions of the Constitution upon the exercise of the legislative and executive power by the state.
186. In case of conflict between the fundamental right and the directive principles of State, which one of the following overrides?
- Fundamental Right
  - Directive Principles of State
  - Both have equal sanctity and therefore they are equal
  - None of the above
187. The Directive Principles of State Policy have to conform to and run as \_\_\_\_\_ to the chapter of Fundamental Rights
- Superior
  - Supervisory
  - Subsidiary
  - Solidifying
188. Promotion of Welfare of the people by securing and protecting social order is considered as
- Fundamental Right
  - Fundamental Duty
  - Directive Principles of State
  - None of the above
189. 44th amendment to Constitution enumerates the Directive Principle under Article 38 that "The State shall, in particular, strive to minimize the inequalities in income and endeavour to eliminate inequalities in status, facilities and opportunities, \_\_\_\_\_ residing in different areas or engaged in different vocations"
- Amongst the individuals
  - Not only amongst individuals but also among groups of people
  - Not only amongst individuals but also among Government Corporations
  - Among groups of people and business entities
190. Article 39 of the Constitution provides that the State should direct its policies towards securing the following. Which of the following is out of the purview of Article 39?
- The citizens, men and women equally, have the right to an adequate means of livelihood
  - That the ownership and control of the material resources of the community are so distributed as best to sub-serve the common goods
  - That the operation of the economic systems does not result in the concentration of wealth and means of production to the common detriment
  - None of the above
191. Which of the following is out of the purview of Article 39 of the Constitution of India?
- Equal pay for equal work for both men and women
  - The health and strength of workers and children is not abused and citizens are not forced by the economic necessity to enter avocation unsuited to their age or strength
  - Childhood and youth are protected against exploitation and against moral and material abandonment
  - None of the above
192. Which of the following Article of the Constitution of India directed State to establish Uniform Civil Code?
- Article 39
  - Article 44
  - Article 45
  - Article 47
193. Which of the following Article of the Constitution of India directed State to secure the operations of legal system and promote justice on the basis of equality?
- Article 39
  - Article 31
  - Article 39A
  - Article 31A
194. Which of the following Article of the Constitution of India directs State to take steps to organize Village Panchayats and enable them to function as units of self-government?
- Article 38
  - Article 39
  - Article 40
  - Article 41

195. Provision for free and compulsory education for all children upto the age of fourteen years is discussed under Article \_\_\_\_\_ of the Constitution of India.
- Article 45
  - Article 48
  - Article 50
  - Article 61
196. Article 51 of the Constitution of India speaks about
- Welfare of workers
  - Compulsory education
  - Untouchability
  - International peace
197. Article 48A of the Constitution of India speaks about
- Welfare of workers
  - Environment protection
  - Monuments, places and objects of national importance
  - Nutrition and health
198. Article 47 of the Constitution of India speaks about
- Welfare of workers
  - Environment protection
  - Monuments, places and objects of national importance
  - Nutrition and health
199. In which of the following Article of the constitution speak about Fundamental Duties?
- Article 50
  - Article 51A
  - Article 39A
  - Article 56
200. Fundamental Duties are imposed upon the
- Citizens of India
  - Residents of India
  - Non-Residents of India
  - Visitors of India
201. Which of the following does not form a part of Fundamental Duties under Article 51A of the Constitution?
- To abide by the constitution and respect its ideals and institutions, the National Flag and the National Anthem;
  - To cherish and follow the noble ideals which inspired our national struggle for freedom;
  - To uphold and protect the sovereignty, unity and integrity of India;
  - To organize agriculture and animal husbandry on modern and scientific lines and improve the breeds and prohibit the slaughter of cows and calves and other milk and draught cattle
202. Which of the following is outside the purview of the Fundamental Duties under Article 51A of the Constitution?
- To defend the country and render national service when called upon to do so
  - To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women
  - To separate executive from judiciary in the public services of the State
  - To value and preserve the rich heritage of our composite culture
203. The Fundamental Duties are imposed upon Citizens and not upon States.
- True
  - False because Fundamental Duties are imposed upon States and not upon Citizens
  - False because Fundamental Duties are imposed upon Citizens and States both
  - False because Fundamental Duties are imposed upon Citizens, States, Visitors, Residents, Foreign Citizens
204. Fundamental duties can't be enforced by
- Article 51A of the Constitution
  - Writs
  - Constitution of India
  - None of the above
205. As per the Constitution of India, the executive power of the union is vested in the
- President
  - Prime Minister
  - Parliament
  - Supreme Court



206. Which of the following executive powers are vested in the President under Article 53 of the Constitution?
- Administrative power
  - Military power
  - Legislative and Judicial power
  - All of the above
207. Power to promulgate ordinances is vested in \_\_\_\_\_ under Article 123 of the Constitution of India.
- Parliament
  - Supreme Court
  - President
  - Prime Minister
208. Article 123 of the Constitution provides that the President shall have the power to legislate by \_\_\_\_\_ at any time when it is not possible to have a parliamentary enactment on the subject immediately.
- Acts
  - Ordinances
  - Writs
  - Regulations
209. The ambit of this Ordinance-making power of the President is co-extensive with the \_\_\_\_\_ powers of Parliament
- Administrative
  - Military
  - Legislative
  - Judiciary
210. Which of the following statements is false about the Ordinance making power of the President under Article 123?
- The Ordinance-making power will be available to the President only when both the Houses of Parliament have been prorogued or is otherwise not in session, so that it is not possible to have a law enacted by Parliament
  - This power is to be exercised by the President on the advice of his Council of Ministers
  - The President must be satisfied about the need for the Ordinance and he cannot be compelled
  - The Ordinance must be laid before Parliament when it re-assembles and shall automatically cease to have effect at the expiration of 30 weeks from the date of re-assembly or before resolutions have been passed disapproving the Ordinance
211. The executive power of the State is vested in
- President
  - Prime Minister
  - Governor
  - Chief Minister
212. The Governor of the State is
- Elected by the Council of the MLAs
  - Elected by the Parliament
  - Nominated by the President
  - Nominated by the Prime Minister and the Leader of the Ruling Party
213. Which of the following powers are not vested in Governor of the State under the Constitution of India?
- Administrative
  - Legislative
  - Military
  - Judiciary
214. The Governor's power to make Ordinances as given under Article \_\_\_\_\_ is similar to the Ordinance making power of the President and has the force of an Act of the State Legislature.
- 123
  - 213
  - 368
  - 370
215. The Ordinance issued by the Governor of the State must be laid before the state legislature (when it re-assembles) and shall automatically cease to have effect at the expiration of \_\_\_\_\_ from the date of the re-assembly unless disapproved earlier by that legislature
- Three weeks
  - Six weeks
  - Fifteen weeks
  - Eighteen weeks
216. The Government of India Act, 1935 follows the \_\_\_\_\_ pattern.
- American
  - Australian
  - European
  - Canadian

217. As per the Law of Constitution, \_\_\_\_\_ means the distribution of the force of the state among a number of co-ordinate bodies, each originating in and controlled by the Constitution.
- Centralization
  - Privatization
  - Federation
  - Nationalization
218. In Indian Government the Federal (Central) Government is considered to be superior to the State Government.
- True
  - False because State Government is considered to be superior to the Central Government
  - False because Central and State Governments are not subordinate to one another but are coordinate and independent within the sphere allotted to them
  - False because of both b and c
219. A federal constitution establishes a dual polity as it comprises two levels of Government.
- President and Prime Minister
  - Lok Sabha and Rajya Sabha
  - State Government and Local Municipalities
  - Central Government and State Government
220. The Union of India is now composed of \_\_\_\_\_ States and both the Union and the States derive their authority from the Constitution which divides all powers-legislative, executive and financial, between them.
- 24
  - 26
  - 29
  - 32
221. In India, the territories which are not covered by the States is known as
- Andaman and Nikobar Islands
  - Union Territories
  - North East Region
  - Outcast Regions
222. \_\_\_\_\_ has the power to make laws for the whole of the territory of India or any part thereof and the \_\_\_\_\_ have the power to make laws for the whole or any part of the territory of the respective States.
- President ; Governor
  - Prime Minister ; Chief Minister
  - Parliament ; State Legislature
  - Supreme Court ; High Court
223. As per the Article 239(1) of the Indian Constitution, every Union Territory is administered by the \_\_\_\_\_ acting through an Administrator to be appointed by him.
- Prime Minister
  - President
  - Governor
  - Supreme Court
224. A State Legislature may make laws
- Only for the state concerned
  - For State and the Union
  - For State and the Union Territory
  - For State, Union and Union Territory
225. The laws made by the State Legislatures may extend beyond the territory of the State only of the basis of Doctrine of
- Eclipse
  - Waiver
  - Territorial Nexus
  - Severability
226. Distribution of Subject Matter of Legislation involves \_\_\_\_\_ lists of all the conceivable legislative subjects.
- Two
  - Three
  - Four
  - Five
227. List I of the Constitution for the legislative subjects is known as
- Union List
  - State List
  - Concurrent List
  - Combined List
228. List II of the Constitution for the legislative subjects is known as
- Union List
  - State List
  - Concurrent List
  - Combined List



229. List III of the Constitution for the legislative subjects is known as
- Union List
  - State List
  - Concurrent List
  - Combined List
230. The three lists namely Union list, State list and Concurrent list are contained in Schedule \_\_\_\_\_ of the Constitution.
- III
  - VII
  - IX
  - XII
231. Those subjects which are of national interest or importance, or which need national control and uniformity of policy throughout the country have been included in the
- Union List
  - State List
  - Concurrent List
  - Both b and c
232. The subjects which are of local or regional interest and on which local control is more expedient, have been assigned to the
- Union List
  - State List
  - Concurrent List
  - Both a and b
233. Those subjects which ordinarily are of local interest yet need uniformity on national level or at least with respect to some parts of the country, *i.e.*, with respect, to more than one State have been allotted to the
- Union List
  - State List
  - Concurrent List
  - Both a and c
234. Identify the incorrect statement of Distribution of Subject Matter of Legislation under the Indian Constitution through Union, State and Concurrent List.
- Criminal law; marriage and divorce; transfer of property; contracts; economic and social planning; commercial and industrial insurance etc. are the subjects included in the concurrent list
  - Subject-matter of tax is enumerated in all the three lists, namely Union List, State List and Concurrent List
  - In each List there is an entry of "fees" with respect to any matter included in that List excluding court fee. This entry is the last in all the Lists except List I where it is last but one
  - None of the above
235. The State Legislature has no power to make the laws on the subjects specified in
- Union List
  - State List
  - Concurrent List
  - None of the above
236. As per the Constitution of India, if by any stretch of imagination or because of some mistake — which is not expected — the same subject which is included in the Union List is also covered in the State List, in such a situation that subject shall be read
- In Concurrent List
  - In both the Lists - Union and State
  - Only in Union List
  - Only in State List
237. With respect to the subjects enumerated in the State List, *i.e.*, List II, the legislature of a State has exclusive power to make laws. Therefore Parliament cannot make any law on any of these subjects, whether the State makes or does not make any law
- True
  - False because parliament has powers to make law for all the three lists - Union, State and Concurrent
  - False because the laws can be made for the subjects under the State List by the State Legislature as well as the Parliament
  - False because of both b and c
238. With respect to the subjects enumerated in the State List, *i.e.*, List II, the legislature of a State has exclusive power to make laws. Therefore Parliament cannot make any law on any of these subjects, except under certain exceptions. Which of the following allows the Parliament to make the laws on the subjects specified in the State List?
- In the National Interest on the basis of at least 2/3 of the members of the council of the States present and voting

- b. During a proclamation of emergency  
 c. Breakdown of Constitutional Machinery in a State  
 d. All of the above
239. Who has the power to make the laws with respect to the subjects enumerated in the Concurrent List, *i.e.*, List III?  
 a. Parliament  
 b. State Legislature  
 c. Both a and b  
 d. Neither a nor b
240. Who has the power to make the laws with respect to all those matters which are not included in any of the three lists?  
 a. Parliament  
 b. State Legislature  
 c. Both a and b  
 d. Neither a nor b
241. Article \_\_\_\_\_ of the Constitution of India permits the Parliament to make laws on the subject of the State List during the proclamation of emergency.  
 a. 250  
 b. 252  
 c. 270  
 d. 272
242. The laws made by the Parliament on the subjects of the State List during the proclamation of emergency, ceases to have an effect on the expiration of \_\_\_\_\_ months after the proclamation ceases to exist.  
 a. Three  
 b. Six  
 c. Nine  
 d. Twelve
243. Which of the following articles permits the President to declare the emergency in the case of security of India or any part of the territory thereof is threatened whether by war, or external aggression or armed rebellion?  
 a. 250  
 b. 252  
 c. 350  
 d. 352
244. Who can make the proclamation of breakdown of the constitutional machinery in a State under Article 356 of the Constitution of India?  
 a. President  
 b. Governor of the State  
 c. Chief Minister of the State  
 d. Supreme Court
245. The action of the President under Article 356 is a constitutional function and the same is subject to judicial review. This means, the \_\_\_\_\_ can strike down the proclamation if it is found to be mala fide or based on wholly irrelevant or extraneous grounds.  
 a. Supreme Court  
 b. Parliament  
 c. High Court  
 d. Supreme Court or High Court
246. Article 252 of the Constitution provides that, if \_\_\_\_\_ or more States are desirous that on any particular item included in the State List there should be a common legislation applicable to all such States then they can make a request to Parliament to make such law on that particular subject.  
 a. Two  
 b. Three  
 c. Five  
 d. Seven
247. A legislature to which a power is granted over a particular subject may make law on any aspect or on all aspects of it; it can make a retrospective law or a prospective law and it can also make law on all matters ancillary to that matter. Identify the correct principle of interpretation of the legislative lists.  
 a. Plenary Powers  
 b. Harmonious Construction  
 c. Pith and Substance Rule  
 d. Colourable Legislation
248. When there appears a conflict between two entries in the two different lists the two entries should be so interpreted, that each of them is given effect and, for that purpose the scope and meaning of one may be restricted so as to give meaning to the other also. Identify the correct principle of interpretation of the legislative lists.  
 a. Pith and Substance Rule  
 b. Colourable Legislation  
 c. Plenary Powers  
 d. Harmonious Construction



249. The rule of \_\_\_\_\_ means that where a law in reality and substance falls within an item on which the legislature which enacted that law is competent to legislate, then such law shall not become invalid merely because it incidentally touches a matter outside the competence of legislature.
- Harmonious Construction
  - Pith and Substance Rule
  - Plenary Powers
  - Colourable Legislation
250. The Principle of Colourable Legislation provides that a legislature may pass a law in such a way that it gives it a colour of constitutionality while, in reality, that law aims at achieving something which the legislature could not do. Such legislation is called colourable piece of legislation and is
- Valid
  - Valid with the approval of Parliament
  - Valid only with the approval of President, Governor and Parliament
  - Invalid
251. The Bihar Land Reforms Act, 1950 provided that the unpaid rents by the tenants shall vest in the state and one half of them shall be paid back by the State to the landlord or zamindar as compensation for acquisition of unpaid rents. According to the provision in the State List under which the above law was passed, no property should be acquired without payment of compensation. The question was whether the taking of the whole unpaid rents and then returning half of them back to them who were entitled to claim, (*i.e.*, the landlords) is a law which provides for compensation. This was considered as
- Colourable legislation and valid
  - Colourable legislation and invalid
  - Harmonious construction and valid
  - Harmonious construction and invalid
252. Freedom of trade, commerce and intercourse is discussed under Part \_\_\_\_ of the Constitution under Articles \_\_\_\_\_, out of which Article \_\_\_\_\_ has been repealed.
- III ; 14 - 19 ; 16
  - XIII ; 301-307 ; 306
  - IX ; 234 -256 ; 245
  - XII ; 282 - 300 ; 297
253. Article 301 of the Constitution provides that trade, commerce and intercourse throughout the territory of India shall be free. However, this does not mean absolute freedom. Which of the following are not open to challenge under Article 301?
- Traffic regulations licensing of vehicles
  - Prohibition for broadcasting on radios, communication on telephone
  - Regulations that facilitate the freedom of trade and commerce and compensatory taxes
  - Both a and c
254. Which of the following statements is/are true for Constitutional Provisions Relating to State Monopoly?
- Creation of monopoly rights in favour of a person or body of persons to carry on any business prima facie affects the freedom of trade. But in certain circumstances it can be justified.
  - After the Constitution (Amendment) Act, 1951, the States create a monopoly in favour of itself, without being called upon to justify its action in the Court as being reasonable.
  - the freedom of profession, trade or business will not be understood to mean to prevent the state from undertaking either directly or through a corporation owned or controlled by it, any trade, business, industry or service, whether to the exclusion, complete or partial, citizens or otherwise
  - All of the above
255. Which of the following is the highest Court in India?
- Supreme Court
  - High Court
  - Subordinate Courts
  - None of the above is superior to other, each of them have equal say in Indian Judiciary System
256. The power to enlarge the jurisdiction of the Supreme Court of India with respect to any matter included in the Union List of Legislative powers rests with
- The Parliament
  - The President of India

- c. The Chief Justice of India  
 d. The Union Ministry of Law, Justice and Company Affairs
257. Which of the following is not a Constitutional Body?  
 a. Supreme Court  
 b. High Court  
 c. Subordinate Courts  
 d. All of the above
258. The Supreme Court of India, has inherited the jurisdiction of  
 a. The Privy Council  
 b. Federal Court  
 c. Both the Privy Council and the Federal Court  
 d. Neither the Privy Council nor the Federal Court
259. The Supreme Court, entertains appeals (in civil and criminal and other cases) from  
 a. High Courts  
 b. Certain Tribunals  
 c. Subordinate Courts  
 d. Both a and b
260. High Courts for each State (or Group of States) have appellate, civil and criminal jurisdiction over  
 a. High Courts  
 b. Certain Tribunals  
 c. Subordinate Courts  
 d. Both a and b
261. High Courts can hear references made by the Income Tax Appellate Tribunal under the Income Tax Act and other tribunals.  
 a. True  
 b. False because High Courts do not have power to hear references made by Income Tax Appellate Tribunal  
 c. False because only Supreme Court can hear references made by the Income Tax Appellate Tribunal under the Income Tax Act and other tribunals  
 d. False because of both b and c
262. Which of the following High Courts have the "writ jurisdiction"?  
 a. Bombay, Calcutta, Madras  
 b. Pondicherry, Calcutta, Gujarat  
 c. Union Territories  
 d. Delhi, Bombay, Calcutta, Madras, Hyderabad
263. Criminal courts in India primarily consist of  
 a. Different Tribunals  
 b. Sub-ordinate Civil Courts  
 c. The Magistrate and the Courts of Session  
 d. District Judge and Subordinate Judge
264. Judicial Magistrates are subject to the control of the \_\_\_\_\_, which also is itself a Court of original jurisdiction.  
 a. Civil Court  
 b. District judge  
 c. Court of Session  
 d. Governor of the State
265. The Court of Session can try all offences, and has power to award any sentence, prescribed by law for the offence, but a sentence of death requires confirmation by the  
 a. Supreme Court  
 b. President of India  
 c. District Court  
 d. High Court
266. The judicial matters related to direct taxes, labour, excise and customs, claims for accidents caused by motor vehicles, copyright and monopolies and restrictive trade practices are dealt by the  
 a. Civil Courts  
 b. Specialized Tribunals  
 c. Metropolitan Magistrates  
 d. Sessions Courts
267. Which of the following courts can advise the President on a reference made by the President on questions of fact and law?  
 a. Supreme court  
 b. Civil court  
 c. High court  
 d. Criminal court
268. Which of the following Articles give the powers to issue the writ by High Court?  
 a. 226  
 b. 250  
 c. 252  
 d. 368



269. The Constitution gives the powers of superintendence over all sub-ordinate courts to the High Courts under Article
- 226
  - 227
  - 228
  - 229
270. Can a High Court entertain a writ petition under Article 226 of the Constitution of India for a matter related to the Companies Act regarding prevention of oppression and mismanagement?
- Yes
  - No because the writ petition can be entertained by Supreme Court for this matter
  - No because the writ petition can be entertained by Metropolitan Magistrate for this matter
  - No because there is already effective remedies available in the Companies Act for this matter
271. The Supreme Court could be moved by appropriate proceedings for the issue of directions or orders or writs, as referred to under Article 226 for the enforcement of
- Matters where the effective remedies are already available in the Act
  - Fundamental Rights
  - Directive Principles of State
  - Both b and c
272. The jurisdiction of the High Court also extends to the enforcement of rights other than fundamental rights provided there is a public duty. The Supreme Court's jurisdiction to issue writs extends to all fundamental rights.
- True
  - False because jurisdiction of High Court extends to the enforcement of Fundamental Rights as well
  - False because jurisdiction of Supreme Court extends to the enforcement of rights other than fundamental rights as well.
  - False because of both b and c
273. Judicial Review signifies that the Supreme Court
- Can impeach the President
  - Can declare a state law as unconstitutional
  - Can review cases decided by the High Courts
  - Has final authority over all cases
274. Which of the following cases cannot be filed directly in the Supreme Court?
- Cases against encroachment on Fundamental Rights
  - If one's property is forcefully occupied by the other
  - Disputes between two or more States
  - Both (a) and (b) above
275. Which one of the following comes under the jurisdiction of both the High Court and the Supreme Court?
- Protection against the violation of the Constitution
  - Disputes between the States inter se
  - Disputes between the Centre and the States
  - Protection of the Fundamental Rights
276. Which of the following is an extensive original jurisdiction given by the Constitution of India to the Supreme Court?
- Hearing revenue cases of appeal
  - Enforcement of Fundamental Rights
  - Hearing criminal cases of appeal
  - Advising the Chief Executive in legal matters
277. The Judges of the Supreme Court can be removed from office by the
- President
  - Prime Minister
  - Chief Justice of India
  - President on request of Parliament
278. A Judge of a Supreme court may resign his office by writing under his hand addressed to the
- Prime Minister
  - President
  - Chief Justice of India
  - Senior most judge of the supreme court
279. Which of the following writs is a bulwark of personal liberty (freedom)?
- Mandamus
  - Quo Warranto
  - Certiorari
  - Habeas Corpus

280. Under Articles 32 and 226 any person can move for the writ of \_\_\_\_\_ to the Supreme Court and High Court respectively.
- Mandamus
  - Quo Warranto
  - Habeas Corpus
  - Certiorari
281. Which of the following writ is issued by the court in case of illegal detention of a person?
- Quo Warranto
  - Habeas Corpus
  - Certiorari
  - Mandamus
282. Which of the following writ may be issued to enforce a Fundamental Right?
- Habeas Corpus
  - Mandamus
  - Certiorari
  - Quo Warranto
283. The writ of \_\_\_\_\_ is, a command issued to direct any person, corporation, inferior court, or Government requiring him or it do a particular thing specified therein which pertains to his or its office and is further in the nature of a public duty.
- Habeas Corpus
  - Mandamus
  - Certiorari
  - Quo Warranto
284. Under the writ of Mandamus, the Court can
- Ask the person to be produced
  - Order to transfer the case from one court
  - Ask to let a person free for a temporary period
  - Direct the Government to do or not to do a thing
285. Which of the following writ is used when the inferior tribunal has declined to exercise jurisdiction while resort to certiorari and prohibition arises when the tribunal has wrongly exercised jurisdiction or exceeded its jurisdiction?
- Certiorari
  - Quo Warranto
  - Habeas Corpus
  - Mandamus
286. Which of the following writ is available only against judicial and quasi-judicial bodies?
- Habeas Corpus
  - Certiorari
  - Mandamus
  - Quo Warranto
287. The Writ of Mandamus does not lie against
- The President
  - The Governor of the State
  - A private individual or body
  - All of the above
288. Which of the following writ is issued to an Inferior Court preventing the latter from usurping jurisdiction which is not legally vested in it and generally issued before the trial of the case?
- Certiorari
  - Prohibition
  - Habeas Corpus
  - Mandamus
289. Which of the following writs are available only against judicial and quasi-judicial bodies?
- Mandamus
  - Prohibition
  - Both a and b
  - Neither a nor b
290. The writ of \_\_\_\_\_ is available to any person, wherever any body of persons having legal authority to determine questions affecting the rights of subjects and having the duty to act judicially in excess of their legal authority.
- Habeas Corpus
  - Mandamus
  - Certiorari
  - Quo Warranto
291. The writ of *quo warranto* enables enquiry into the legality of the claim which a person asserts, to an office or franchise and to oust him from such position if he is a usurper.
- Habeas Corpus
  - Mandamus
  - Certiorari
  - Quo Warranto



292. The writ of *Quo Warranto* is issued when
- The office is of public and of a substantive nature
  - Created by statute or by the constitution itself
  - The respondent has asserted his claim to the office. It can be issued even though he has not assumed the charge of the office
  - All of the above
293. Which of the following is not a writ issued by a superior court to an inferior court?
- Habeas Corpus
  - Mandamus
  - Certiorari
  - Quo Warranto
294. Executive Legislation, Judicial Legislation, Municipal Legislation, Autonomous Legislation and Colonial Legislation are the types of
- Superior Legislation
  - Subordinate Legislation
  - Supreme Legislation
  - Acceptable Legislation
295. Autonomous Legislations deal with
- Autonomous bodies such as Universities
  - Matters not included in the powers of the High Court and the Supreme Court
  - Matters related to subjects not included in the Constitution of India
  - Laws made by colonies under the control of some other nation
296. Colonial Legislations deal with
- Autonomous bodies such as Universities
  - Matters not included in the powers of the High Court and the Supreme Court
  - Matters related to subjects not included in the Constitution of India
  - Laws made by colonies under the control of some other nation
297. \_\_\_\_\_ Legislation is defined as a statute that provides controls but specifies that they are to come into effect only when a given administrative authority finds the existence of conditions defined in the statute.
- Executive
  - Subordinate
  - Conditional
  - Autonomous
298. The doctrine of \_\_\_\_\_ means where the legislature has conferred any power, it must be deemed to have also granted any other power without which that power cannot be effectively exercised.
- Prospective Overruling
  - Acquiescence
  - Legislative Classification
  - Implied Powers
299. While delegating the powers to an outside authority the legislature must act within the ambit of the powers defined by the \_\_\_\_\_.
- Constitution
  - President
  - President in consultation with Governor
  - President in consultation with Supreme Court
300. In whom are the powers of Judicial Review vested in India
- President
  - Parliament
  - All the courts
  - Supreme Court and all the High Courts

ANSWERS

1	b	2	c	3	c	4	b	5	a	6	d	7	a
8	c	9	a	10	d	11	d	12	c	13	b	14	c
15	a	16	c	17	d	18	b	19	a	20	b	21	b
22	a	23	c	24	b	25	c	26	d	27	a	28	c
29	b	30	a	31	b	32	a	33	c	34	b	35	b
36	d	37	d	38	c	39	b	40	a	41	a	42	b

43	c	44	d	45	a	46	a	47	b	48	b	49	d
50	c	51	b	52	c	53	a	54	c	55	b	56	a
57	b	58	a	59	a	60	c	61	c	62	d	63	b
64	c	65	d	66	c	67	d	68	b	69	a	70	c
71	d	72	d	73	d	74	c	75	c	76	d	77	a
78	d	79	c	80	c	81	b	82	d	83	a	84	c
85	c	86	a	87	d	88	c	89	a	90	b	91	c
92	c	93	b	94	b	95	d	96	c	97	d	98	d
99	d	100	a	101	c	102	b	103	a	104	b	105	b
106	b	107	c	108	b	109	c	110	c	111	c	112	c
113	d	114	a	115	b	116	d	117	c	118	d	119	b
120	d	121	b	122	d	123	a	124	c	125	d	126	d
127	d	128	c	129	d	130	b	131	b	132	b	133	a
134	d	135	c	136	c	137	c	138	d	139	c	140	b
141	c	142	b	143	a	144	a	145	b	146	a	147	b
148	b	149	b	150	d	151	b	152	d	153	a	154	b
155	d	156	d	157	c	158	c	159	a	160	a	161	b
162	a	163	c	164	a	165	c	166	b	167	d	168	c
169	d	170	c	171	c	172	a	173	b	174	b	175	b
176	b	177	a	178	b	179	b	180	c	181	c	182	a
183	b	184	c	185	c	186	a	187	c	188	c	189	c
190	d	191	d	192	b	193	c	194	c	195	a	196	d
197	b	198	d	199	b	200	a	201	d	202	c	203	a
204	b	205	a	206	d	207	c	208	b	209	c	210	d
211	c	212	c	213	c	214	b	215	b	216	d	217	c
218	c	219	d	220	c	221	b	222	c	223	b	224	a
225	c	226	b	227	a	228	b	229	c	230	b	231	a
232	b	233	c	234	b	235	a	236	c	237	a	238	d
239	c	240	a	241	a	242	b	243	d	244	a	245	d
246	a	247	a	248	d	249	b	250	d	251	b	252	b
253	d	254	d	255	a	256	a	257	c	258	c	259	d
260	c	261	a	262	a	263	c	264	c	265	d	266	b
267	a	268	a	269	b	270	d	271	b	272	a	273	c
274	c	275	d	276	b	277	d	278	b	279	d	280	c
281	b	282	a	283	b	284	d	285	d	286	c	287	d
288	b	289	c	290	c	291	d	292	d	293	d	294	b
295	a	296	d	297	c	298	d	299	a	300	d		