

ANSWERS TEST – 1: INDIAN POLITY

1. Solution D

The CA was an independent and sovereign body, free to decide its own constitution. Some members were elected indirectly and some were nominated. It was not a directly elected body.

2. Solution C

Various provisions, particularly in FRs admit prevalence of inequality, hence under Article 14, 15, 16, 17, 23 and 24 aim is to eliminate them.

Article 368, allows Parliament to amend it, if needed.

3. Solution C

Rule of Law Means

- Absence of arbitrariness in decisions and actions.
- Prevalence of equality before law by equal subjection to law.
- Availability of rights and freedoms to limit the unwanted action of the government.

4. Solution B

5. Solution D

Sovereign means free from external control India can conduct herself freely among the nation. India can acquire territory or cede territory as part of her sovereign function.

6. Solution D

It does not confer any power to any organ under the constitution and does not mention date of commencement of the constitution which is 26th Jan 1950.

7. Solution A

Refer to Preamble

8. Solution D

Indian States are not subordinate to the Union but work in coordination with the Union. The states enjoy powers enshrined in the constitution, not delegated from the Union.

9. Solution C

The provisions show more inclination for central control over states.

However, most of the provisions related to distribution of powers cannot be easily amended by the Union alone.

10. Solution B

‘Indian Federation’ has not been mentioned in the Constitution. ‘Union of States’ has been mentioned in Article 1 of the Constitution.

11. Solution A

As per Article 3: parliament can change the area or name of a state in consultation with it.

In a federal system areas of governance are distributed between Union and states (in schedule VII: lists).

12. Solution A

Most of the Fundamental Rights are negative obligations on the state. It is the duty of the state to protect them.

Some of the Fundamental Rights can be suspended in the time of emergency.

However, Article 20 and 21 can never be suspended.

13. Solution C

Natural Rights existed even before the state came into being.

Human Rights are enjoyed by a human being everywhere irrespective of his citizenship of a state.

14. Solution D

15. Solution C

Freedom of Speech is inherent in Article 19(1)(a) and is one of the basic freedoms.

It can be restricted on some grounds mentioned in Article 19(2) by a law.

16. Solution A

Some rights like fundamental rights are provided in the Constitution and some rights like right to information, right to education are provided by law. Only fundamental rights have constitutional protection. Rights and Duties are the two faces of the same coin. States provide rights and demand duties from the citizens. In the constitutional scheme social control and individual liberty are balanced.

17. Solution B

Fundamental Rights: Arbitrary executive and legislative actions cannot restrict Fundamental Rights. Many of the do not require legislation for their enforcement. Some of these Rights are available for non-citizens as well like Article 14, 21. Fundamental Rights are not available absolutely, they can be suspended.

18. Solution D

Refer Article 21

19. Solution A

All the fundamental rights are mentioned in the constitution and some rights are inferred from them as fundamental right. Only fundamental rights are guaranteed rights. Rights from other provisions of the constitution like DPSP are not as guaranteed as fundamental right.

20. Solution B

Right to seek employment is part of right to equality.

21. Solution D

Article 14: allows special provisions for people.
Example: Equal protection of laws means a group of people can be given a different treatment.

22. Solution C

Refer- Article 21: procedure established by law is mentioned, other two phrases are not mentioned.

23. Solution B

Press Freedom is inferred from Article 19 (1)(a). It is not expressly mentioned.
The Constitution grants individual rights but not at the cost of rights of the society.

24. Solution C

In case of violation of Fundamental Rights, remedy can be sought under Article 32. But, otherwise, remedy can be sought by an ordinary suit in courts.

25. Solution A

Refer Article 19(2) – (6) and 19(1)(d) and 19(1)(e) can be restricted in securing the interest STs.

26. Solution C

27. Solution D

Mandamus is issued for statutory duties, Article 32 & Article 226 allow Supreme Court and High Court respectively to issue writs.

28. Solution C

29. Solution A

In M.P. Sharma and Kharak Singh Supreme Court ruled that Right to Privacy is not Fundamental Right.

But in M.K. Puttuswamy: Supreme Court ruled Right to Privacy is Fundamental Right.

Binoy Vishwam case is related to Aadhar and also right to privacy.

30. Solution D

31. Solution A

Refer Article 33. In case of emergency freedom of press remains suspended.

32. Solution D

Right to Education is provided both under Article 21A well Right to Education Act, 2009.

33. Solution A

All the above are important for free speech. They help in extracting accountability from the government and public officials. Right to speech also means right to remain silent.

34. Solution B

The representatives of people act for the interest of people by using their own wisdom. They may not represent the invalid demands of the people.

35. Solution A

DPs provide instructions for meeting out socio-economic needs of the people but as per Article 37 they cannot be enforced through courts.

36. Solution B

Since DPs are not enforceable through courts, so they cannot be used to invalidate any law but the courts use them in finding out justification of laws.

37. Solution C

As per Article 39A the state shall strive to provide equal justice by providing free legal aid. It is nowhere mentioned in Part IV that DPs can override FRs.

38. Solution B

DPs cannot be preferred over fundamental rights except when effect is given to the objectives of Article 39(b) & (c).

39. Solution D

Refer Article 39(a), Article 40, Article 47 and Article 25 (a Fundamental Right)

40. Solution D

Refer: Article 51, Article 50, Article 48 and Article 30 (a Fundamental Right)

41. Solution C

Refer Article 45 as amended by 86th Constitutional Amendment Act 2002.

Directive Principles are socio-economic rights and their implementation depends upon economic capacity of state.

Various articles like Article 43, Article 43A, Article 46 are basis of labour reforms.

42. Solution B

Refer to Article 38

43. Solution B

Equal access to place of public use is objective of Article 15(2) which is an FR.

44. Solution C

In Minerva Mills case, the Supreme Court restored the status of priority of Fundamental Rights over Directive Principles except Article 39(b) and (c).

45. Solution D

Article 48: state shall take steps to prohibit of slaughter of milch cattle.

But the idea is based more an economic utility, not the religious one.

Freedom of religion is subject to health, public order and morality.

46. Solution C

Though Directive Principles are not justiciable in the courts, but if the state does not fulfil these provisions which are socio-economic in approach, the electorate is unlikely to vote for them.

47. Solution C

Secularism: state does not give any special patronage to any religion.

In India, positive aspect of secularism is followed wherein state intervenes in religious

practices but does not discriminate in intervening.

48. Solution A

Constitution can be amended by the Parliament but according to the spirit of the constitution i.e. basic structure only. Some constitutional provisions can be amended with the help of State Legislatures as well.

Executive, legislature and judiciary draw all their powers from the constitutional provision. None of them can rise above the constitution.

49. Solution B

Both are complementary to each other. In resolving the conflict the courts try to cultivate harmony among them.

50. Solution C

Absolute Discretion in one organ can result in arbitrary use of powers which may be used in favour of the ruling party.

51. Solution D

Refer Article 39(a) and Article 39A

52. Solution C

Refer Article 15(4) and Article 46

53. Solution A

Rule of law is well promoted by equality before law and application of doctrine of natural justice. However, arbitrariness in action and undermining of judiciary may not lead to it.

54. Solution C

Union of states means a state cannot secede away from the union; equal protection of laws allow special provisions for those who are under privileged and historically deprived; Quo warranto is issued when a public office is unlawfully occupied; freedom of speech also means right to remain silent.

55. Solution B

In DPSPs: Article 39 (b) and (c) ensure distributive justice as these clauses direct the use of material resources for common good and prevention of concentration of wealth in few hands.

56. Solution D

Not all bills require President's recommendation for introduction.

Money bills are exclusive domain of Lok Sabha.

57. Solution C

Chairman of Estimates Committee has to be from Lok Sabha.

PM and Union Finance Minister may be member of either house.

58. Solution B

Vice-President is part of executive as under Article 65, he may act as President.

59. Solution C

In Parliamentary Government, responsibility to legislature is given more importance. It is headed by PM, the real executive who takes all the decisions, though President is nominal head and has nominal powers.

60. Solution D

A minister may not be member of Parliament at the time appointment but should become member within six months.

Cabinet is part of Union Council of Ministers and all ministers are not part of Cabinet.

61. Solution D

Refer Article 75(1), (2) and (3). Every member of cabinet is bound by the decision of the cabinet under the principle of collective responsibility.

62. Solution A

Refer Article 77(3).

63. Solution C

In question hour, members raise questions. It is not meant to check the confidence of the government.

64. Solution C

As per Article 75, all the ministers are appointed by the President and they resign to him only.

Under the principle of collective responsibility the resignation of PM results in resignation of the whole council.

65. Solution B

Constitution cannot be amended sitting together.

In a joint sitting simple majority is required. Simple majority means majority of those present and voting.

66. Solution D

Speaker is chairman of Business Advisory Committee; PM is the head of Cabinet Sectt., Leader of the house and chairman of inter-state council.

67. Solution A

Annual Financial Statement is caused to be laid by the President. It comprises both estimates of expenditure and income. Rajya Sabha has all the powers to discuss it.

68. Solution A

Usually Union Government is formed by MPs of ruling party but it is not impossible that other MPs are not eligible to become Minister. In J.L. Nehru's first cabinet, MPs for non-congress parties were also inducted.

It does not matter whether member is elected or nominated.

All executive action are taken in the name of President.

69. Solution C

Refer Article 112 and Article 113

70. Solution D

He is appointing authority for various officers working in Lok Sabha secretariat. He decides upon membership issues in a few cases, may even award punishment in privilege issues.

He may vote in the passage of bill though only in case of equality over the bill.

71. Solution D

As per Article 79 the President is part of parliament and no bill can become an Act without his assent.

As per Article 74 there shall be a CoM to aid and advise the President. He issues an ordinance on the advice of CoM. His removal is considered as a Quasi-judicial process.

72. Solution A

Refer to Article 25(1) and Jharkhand Act 2017.

73. Solution A

Confidence Motion is brought by the PM/CM for proving his/her majority in the house.

Other motions can be brought against the government.

74. Solution D

According to Article 102 and Anti-Defection law, all the above are basis of disqualification of members of Parliament.

75. Solution C

Refer to Supreme Court judgement in Minerva Mills Case, 1980.

76. Solution A

In case of issue of whip, the members of the houses cannot speak against it.

The main purpose of the law is to prevent defection so that government completes its full tenure.

77. Solution D

Refer to the SC judgement in Puttaswamy case 2017

78. Solution A

79. Solution C

Refer Article 76: Attorney General; Article 98: Secretary General, Lok Sabha; Article 239AA:

Lt. Governor of Delhi

80. Solution B

Refer Article 85 (parliamentary sessions), Article 86 and 87 (address to the houses), Article 101(1) right to vote to chairman; whosoever presides the house has only casting vote.

81. Solution A

Free thinking and strong opposition support the cause of democratic system as people are allowed to raise their voice and strong opposition acts as a limitation on the government.

But, limited franchise and one-party dominance in the political system may not work towards the cause of democracy.

82. Solution C

Right to life under Article 21 which has been held to be an expansive right, with different and many implied rights. In various cases the SC has held that right to liveable is equivalent to right to life. Recently in a petition filed by a child Arjun Gopal the Court issue the cracker sale ban order.

83. Solution B

Parliament has many functions like: law making, representing people, debate and discussion on any policy matter, etc.

In Maneka Gandhi case 1978 the Court ruled that a law should be fair, just and reasonable. This is understood under the doctrine of due process of law. Besides money bill, constitutional amendment bills cannot be returned by the President.

84. Solution B

Preamble has been described as political horoscope as it is introduction to the constitution.

Dr. B.R. Ambedkar called Article 32 as Heart and Soul of the Constitution.

Supreme Court: Both Fundamental Right and Directive Principles constitute conscience of the constitution.

Article 44 has become a dead letter.

85. Solution C

Where an individual's socio-economic and political rights are exhausted or are not granted on being a non-citizen, he can still hope to get some relief under the umbrella of human rights which are universally available.

86. Solution C

Article 13(2) refer the state should refrain from framing any law that abridges a Fundamental Right.

As per Keshavanand Bharti Case 1973, doctrine of Basic structure protects all the provisions from unconstitutional amendments.

In Article 21 the phrase, "procedure established by law" is used.

Under Article 16(4) state can make special provisions for backward classes in employment if they are not adequately represented in state employment.

87. Solution B

PAC is a joint committee and considers the report of CAGI. A minister cannot become member of any Parliamentary Committee.

88. Solution D

Some committee are exclusive to a house like estimates committee for Lok Sabha.

PAC is chaired by a member from opposition party.

89. Solution B

Election: All elected MPs, MLAs and those of Delhi & Puducherry participate.

Removal: All the MPs i.e. both elected and nominated participate.

90. Solution C

Though Indian Constitution is permeated with the idea of Constitutionalism and constitutional supremacy yet separation of powers and federal system are not followed in their true spirit.

In the Indian Scheme, Executive is part of legislature which dilutes the true spirit of separation of powers and the federal system favours more powers for Union than states.

91. Solution D

On the successful passage of NCM, the government has to resign. Lok Sabha may be dissolved and under conventions as the government resigns, the AGI also resigns. Rajya Sabha does not have any tenure.

92. Solution C

In the removal of Chairman and Dy. Chairman of Rajya Sabha, Speaker and Dy. Speaker of Lok Sabha, the majority of the then members of the house is considered. It is also called effective majority.

For Removal of High Court Judges, special majority of the house is required.

93. Solution A

Speaker is not covered Anti-defection law. If he resigns or votes against the whip issued by the party, he does not lose his membership of the house.

94. Solution B

Chairman of Rajya Sabha i.e. Vice-President is not member of Rajya Sabha. Both have same salary as both of them perform similar

functions. Under Article 101 they have power of casting vote.

95. Solution C

As per Article 74(2) courts cannot enquire into what advice has been given by the CoM to the President. Moreover under schedule 3 of the constitution ministers take oath of secrecy.

96. Solution D

Under Article 65 VP can act as President.

Under President (Discharge of Functions) Act 1969, If offices of President and Vice-President are vacant, the CJI or Seniormost Judge of Supreme Court may act as President.

97. Solution C

Under Article 123 if parliamentary session is not going on, the President can issue an ordinance which will have the force of a law. Such an ordinance is subject to all those limitations which are applicable on the laws made by the Parliament.

98. Solution B

Under Article 111 he can return bill except money bill for the reconsideration of the parliament.

President cannot return Appropriation Bill (money bill) for the reconsideration of the Parliament. Under Article 85 he can summon both the houses and may dissolve the Lok Sabha.

99. Solution A

In democracy the rule by majority simply fulfils the procedural aspect of democracy. The government may have majority votes but may not represent the whole electorate hence it is a demerit of democracy. All other aspects are essential for proper functioning of democracy.

100. Solution B