



**ILAHIA COLLEGE OF ENGINEERING AND TECHNOLOGY  
DEPARTMENT OF ELECTRICAL AND ELECTRONICS ENGINEERING**

**PREVIOUS YEAR QUESTION PAPER AND SOLVED ANSWER**

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**Year & Semester: II & IV**

**Course Code: MCN202**

**Course Name: CONSTITUTION OF INDIA**

**MODULE 2**

**PART A**

**Answer all questions, each carries 3 marks.**

**1. Define the term “State” in the Constitutional context. List and briefly explain any two fundamental rights granted to Indian citizens.**

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Definition of state – Article 12(1 mark)

Any two fundamental rights (2 marks)

Article 12 has defined the term ‘State’. According to it, the State includes the following:

1. Government and Parliament of India.
2. Government and legislature of states.
3. All local authorities, that is, municipalities, panchayats, district boards, improvement trusts, etc.
4. All other authorities, that is, statutory or non-statutory authorities like LIC, ONGC, SAIL, etc.

**CLASSIFICATION OF FUNDAMENTAL RIGHTS**

The Constitution of India provides for six Fundamental Rights.

- Right to equality (Articles 14–18)
- Right to freedom (Articles 19–22)
- Right against exploitation (Articles 23–24)
- Right to freedom of religion (Articles 25–28)
- Cultural and educational rights (Articles 29–30)
- Right to constitutional remedies (Article 32–35)

**2. What protection are available to the Indian Citizen against conviction?  
ശിക്ഷാവിധിക്കെതിരെ ഇന്ത്യൻ പൗരന് എന്ത് സംരക്ഷണം ലഭ്യമാണ്?**

- Article 20 – A person cannot be convicted for an act that was committed at a time when the act had not been declared by the law as an offense

(1 mark)

- A person cannot be convicted for the same offense more than once

(1 mark)

- No person accused of an offense shall be compelled by the state to bear witness against himself (1 mark)

• ആർട്ടിക്കിൾ 20 – ചെയ്ത ഒരു പ്രവൃത്തിക്ക് ഒരു വ്യക്തിയെ ശിക്ഷിക്കാൻ കഴിയില്ല നിയമം ഒരു കുറ്റമായി പ്രഖ്യാപിക്കാത്ത സമയത്ത്

(1 മാർക്ക്)

• ഒരേ കുറ്റത്തിന് ഒരാളെ ഒന്നിലധികം തവണ ശിക്ഷിക്കാൻ കഴിയില്ല

(1 മാർക്ക്)

• കുറ്റം ആരോപിക്കപ്പെട്ട ഒരു വ്യക്തിയും തനിക്കെതിരെ സാക്ഷ്യം വഹിക്കാൻ ഭരണകൂടം നിർബന്ധിക്കുന്നില്ല (1 മാർക്ക്)

### 3. Explain Uniform Civil Code?

Uniform Civil Code resonates with **one country one rule**, to be applied to all religious communities. The term, 'Uniform Civil Code' is explicitly mentioned **in Part 4, Article 44** of the Indian Constitution. **Article 44** says, **"The State shall endeavor to secure for the citizens a uniform civil code throughout the territory of India."**

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## PART B

**Answer questions, each carries 10 marks.**

### 1. Differentiate between Fundamental Rights and Directive Principles of State Policy. Provide examples of each.(7 mark)

Fundamental Rights are human rights conferred on the citizens of India. DPSP are ideals that are meant to be kept in mind by the State when it formulates policies and enacts laws. Directive Principles, unlike Fundamental Rights, are not enforceable in courts of law.

<h2 style="text-align: center;">Fundamental Rights</h2> <hr/> <ul style="list-style-type: none"> <li>• Rights Guaranteed by the Constitution</li> <li>• Enforceable in Court</li> <li>• Protect Individual Liberties</li> <li>• Absolute and Justiciable</li> </ul>	<div style="text-align: right;">∞</div> <h2 style="text-align: center;">Directive Principles of State Policy</h2> <hr/> <ul style="list-style-type: none"> <li>• Non-Justiciable Principles</li> <li>• Provide Guidelines for Governance</li> <li>• Aimed at Social Justice and Welfare</li> <li>• Subject to Legislative Discretion</li> </ul>
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## 2. Explain Right against exploitation and Right to Constitutional Remedies.(7mark)

### Right against Exploitation (Articles 23- 24)

- Prohibition of traffic in human beings and forced labour (Article 23): It prohibits traffic in human beings, forced labour . The ‘traffic in human beings’ include
  - Selling and buying of men, women and children like goods;
  - Immoral traffic in women and children, including prostitution;
  - Devadasis
  - Slavery
- Prohibition of employment of children in factories, etc. (Article 24). Article 24 prohibits the employment of children below the age of 14 years in any factory, mine or other hazardous activities like construction work or railway.

### Right to Constitutional Remedies

Right to move the Supreme Court for the enforcement of fundamental rights including the writs (writs as extraordinary remedies to uphold the rights and liberties)

**Habeas corpus :** It is a Latin term which literally means to have the body of ’’. It is an order issued by the court to a person who has detained another person, to produce the body of the latter before it.

**Mandamus :** It literally means we command ’’. It is a command issued by the court to a public official asking him to perform his official duties that he/she has failed or refused to perform.

**Prohibition:** Literally, it means ‘to forbid’. It is issued by a higher court to a lower court or tribunal to prevent the latter from exceeding its jurisdiction that it does not possess

**Certiorari:** It means ‘to be certified’ or ‘to be informed’. It is issued by a higher court to a lower court or tribunal either to transfer a case pending with the latter to itself or to squash the order of the latter in a case.

**Quo warranto(Article 32):** In the literal sense, it means ‘by what authority or warrant’. It is issued by the court to enquire into the legality of claim of a person to a public office.

**3. Discuss the different groups under which Directive Principles of State Policy can be categorized. (6 Mark)**

Socialistic principles (2 marks)

Gandhian principles (2 marks)

Liberal – intellectual principles (2 marks)

**CLASSIFICATION OF DIRECTIVE PRINCIPLES OF STATE POLICY**

Based on the content and direction, DPSPs are usually classified into three types-

1. Socialistic Principles
2. Gandhian Principles
3. **Liberal-Intellectual Principles**

**SOCIALISTIC PRINCIPLES**

They are the principles that aim at providing social and economic justice and set the path towards the welfare state. Under various articles, they direct the state to **Article 38** - Promote the welfare of the people by securing a social order and to minimise inequalities in income, status, facilities and opportunities.

**Article 39** – The state shall direct its policy towards securing  
(a) that all the citizens, men and women equally, have the right to an adequate means of livelihood;

- (b) the proper distribution of the material resources of the community for the common good;
- (c) the prevention of concentration of wealth and means of production;
- (d) that there is equal pay for equal work for both men and women;
- (e) that the health and strength of workers. Men and women, and children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;
- (f) Opportunity for the healthy development of children and protect them from exploitation.

**Article 39A** – The state shall promote equal justice and free legal aid to the poor.

**Article 41** - The State shall make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement.

**Article 42** - The State shall make provision for securing just and humane conditions of work and for maternity relief.

**Article 43** – The state shall secure a living wage, a decent standard of living and social and cultural opportunities for all workers of industries.

**Article 47** - The State shall take steps to raise the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties.

## **GANDHIAN PRINCIPLES**

**Definition:** These principles are based on Gandhian ideology used to represent the programme of reconstruction enunciated by Gandhi during the national movement. Under various articles, they direct the state to:

**Article 40** - Organise village panchayats and endow them with necessary powers and authority to enable them to function as units of self-government.

**Article 43A** - Promote cottage industries on an individual or co-operation basis in rural areas.

**Article 43B** - Promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies.

**Article 46** - Promote the educational and economic interests of SCs, STs, and other weaker sections of the society and to protect them from social injustice and exploitation.

**Article 47** - The State shall try to bring about prohibition of the consumption of intoxicating drinks and of drugs which are injurious to health except for medicinal purpose.

**Article 48** - Prohibit the slaughter of cows, calves and other milch and draught cattle and to improve their breeds.

### **LIBERAL INTELLECTUAL PRINCIPLES**

**Definition:** These principles reflect the ideology of liberalism. Under various articles, they direct the state to:

**Article 44** – Secure for all citizens a uniform civil code throughout the country.

**Article 45** – Provide early childhood care and education for all children until they complete the age of six years.

**Article 48** – Organise agriculture and animal husbandry on modern and scientific lines.

**Article 48A** - The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.

**Article 49** - Protect monuments, places and objects of artistic or historic interest which are declared to be of national importance.

**Article 50** - The State shall take steps to separate the judiciary from the executive in the public services of the State.

**Article 51** – Promote international peace and security and maintain just and honourable relations between nations; foster respect for international law and treaty obligations; encourage settlement of international disputes.

#### **4. Enumerate the fundamental duties and discuss their significance.(8 mark)**

- We need to follow our Constitution and should respect our national flag and national anthem.
- Should cherish and follow the noble ideals of the freedom struggle.
- Uphold and protect the sovereignty and integrity of our nation.
- Defend our nation and provide national services when required.
- Promote harmony and should have the spirit of a common brotherhood amongst all the people of India and renounce practices derogatory to the dignity of women.
- Value and preserve the rich heritage of our culture.
- Protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures.
- Develop scientific temper, humanism and the spirit of inquiry and reform.
- Safeguard public property.
- Strive for excellence so that the nation rises to higher levels of endeavour and achievement.
- Provide opportunities for education to his child between the age of six and fourteen years. **This duty was added by the 86th Constitutional Amendment Act, 2002.**

## Significance of Fundamental Duties

- It acts as a continual reminder to citizens that while exercising their rights, they must be mindful of their responsibilities to their country and to other citizens.
- These serve as a warning to the public against anti-social behaviours that defame the country, such as flag burning, harming public property, and disrupting public order.

## 5. Explain the meaning, significance and classification of the Directive Principles of State Policy.

The Directive Principles of State Policy are enumerated in Part IV of the Constitution from Articles 36 to 51.

- The framers of the Constitution borrowed this idea from the Irish Constitution of 1937, which had copied it from the Spanish Constitution.
- Dr. B.R. Ambedkar described these principles as ‘novel features’ of the Indian Constitution.

### FEATURES OF THE DPSP

- It denotes the ideals that the State should keep in mind while formulating policies and enacting laws.
- The Directive Principles resemble the ‘Instrument of Instructions’
- It promotes the concept of a ‘welfare state’ and not that of a ‘police state’
- They are not legally enforceable by the courts.

## CLASSIFICATION OF DIRECTIVE PRINCIPLES OF STATE POLICY

Based on the content and direction, DPSPs are usually classified into three types-

1. Socialistic Principles
2. Gandhian Principles
3. **Liberal-Intellectual Principles**

6. “The freedom of speech and expression is subject to reasonable restrictions”.  
Explain the statement.

Explaining the restrictions in Freedom of speech and expression

"സംസാര സ്വാതന്ത്ര്യവും ആവിഷ്കാര സ്വാതന്ത്ര്യവും ന്യായമായ നിയന്ത്രണങ്ങൾക്ക് വിധേയമാണ്".

## പ്രസ്താവന വിശദീകരിക്കുക.

Freedom of speech and expression(Article -19): The State guarantees freedom of speech and expression to every person of India. However, the State can impose restrictions on the freedom of speech and expression in the interests of the integrity, security and sovereignty of the country, friendly relations with foreign nations, for public order, with respect to defamation, incitement to offence or contempt of court.

സംസാര സ്വാതന്ത്ര്യം (ആർട്ടിക്കിൾ -19): ഇന്ത്യയിലെ ഓരോ വ്യക്തിക്കും സംസാര സ്വാതന്ത്ര്യവും ആവിഷ്കാര സ്വാതന്ത്ര്യവും ഭരണകൂടം ഉറപ്പുനൽകുന്നു. എന്നിരുന്നാലും, രാജ്യത്തിന്റെ അഖണ്ഡത, സുരക്ഷ, പരമാധികാരം, വിദേശ രാജ്യങ്ങളുമായുള്ള സൗഹൃദ ബന്ധം, പൊതു ക്രമത്തിന്, അപകീർത്തിപ്പെടുത്തൽ, കുറ്റകൃത്യത്തിന് പ്രേരണ അല്ലെങ്കിൽ കോടതിയലക്ഷ്യം എന്നിവയുമായി ബന്ധപ്പെട്ട് സംസാര സ്വാതന്ത്ര്യത്തിനും അഭിപ്രായപ്രകടനത്തിനും നിയന്ത്രണങ്ങൾ ഏർപ്പെടുത്താം.

## 7.Explain in detail the Fundamental Rights of Indian citizens. 10

1. Right to Equality (Articles 14–18)
2. Right to Freedom (Articles 19–22)
3. Right against Exploitation (Articles 23–24)
4. Right to Freedom of Religion (Articles 25–28)
- 5.Cultural and Educational Rights(Articles 29-30)
6. Right to Constitutional Remedies (Article 32)

Explaining all 6  
fundamental  
rights in detail

## 8 .The Indian constitution is unique in protecting the minorities. Explain?

## 9.Explaining how minority groups are protected in Indian constitution.

## What is the significance of Article 14-18 in Indian Constitution?

### Right to Equality (Articles 14–18)

It implies:

- 1.Equality before law and equal protection of laws (Article 14) : It means absence of any special privileges in favour of any person.



- 2.Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth (Article 15)
- 3.Equality of opportunity in matters of public employment (Article 16): It means equality of opportunity for all citizens in matters of employment or appointment to any office under the State.
- 4.Abolition of untouchability and prohibition of its practice (Article 17).
- 5.Abolition of titles except military and academic (Article 18).