

A Series

1. C

Article 37- DPSP- Application of the principles contained in this Part.-

The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.

2. B

Gandhian Principles are

Article 40: Organization of village Panchayats

Article 43: Promotion of cottage industries

Article 46: Promotion and protection of interests of 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: Prohibition of consumption of intoxicating drinks and drugs which are injurious to health

Article 48: Prohibition of slaughter of cows, calves and other milch and draught cattle and to improve their breeds

3.D

Part IV article 36-51 of the India constitution says about directive principles of state policy. It sets forth the ideals and objectives to be achieved by the state for setting up in India a social welfare state, as distinguished from a mere police state, which aims at social welfare state, as distinguished from the common good and the secure to all its citizens, justice socio and economic. The inspiration to include directive principles of state policy is drawn from the constitution of Ireland

The intention of the constitution framers was to establish in India a democracy political, economic and social.

To achieve this cherished goal, the framers were unanimous to secure to the people practically all the prevailing political social and economic rights. These rights were broadly speaking divided into two categories.

Political and Civil Rights

Social and Economic Rights

The political and Civil rights which were in opinion, with the reach of the individual were provisional as fundamental rights and the latter being considered beyond individual's reach under the prevailing circumstances, were titled as Directive Principles of State Policy.

4.D

5.D

a. These rights are available to both foreigners and citizens(except Article 15,16,19,29,30)

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b. Some are negative, (Article 15) some are positive (Freedom of religion).

C. They aim at establishing a government of men and not laws

d. They are justiciable. (Article 32, Right to constitutional remedies, if the rights are violated)

6.B Article 13 declares that all laws that are inconsistent with or in derogation of any of the fundamental rights shall be void. In other words, it expressly provides for the doctrine of judicial review. This power has been conferred on the Supreme Court (Article 32) and the high courts (Article 226) that can declare a law unconstitutional and invalid on the ground of contravention of any of the Fundamental Rights.

7.A

8.D

Laws inconsistent with or in derogation of the fundamental rights

(1) All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void

(2) The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void

(3) In this article, unless the context otherwise requires law includes any Ordinance, order, bye law, rule, regulation, notification, custom or usages having in the territory of India the force of law; laws in force includes laws passed or made by Legislature or other competent authority in the territory of India before the commencement of this Constitution and not previously repealed, notwithstanding that any such law or any part thereof may not be then in operation either at all or in particular areas

9.D

Freedom of assembly:

This right is available to citizens only

This right includes both right to assemble and and not right to strike.

The state can impose reasonable restrictions on grounds of sovereignty and integrity of India, public order and morality. Morality is not mentioned in the Constitution

This freedom can be exercised only on public land. This is correct

10.B

11.C

The Constitution classifies them into Socialistic, Gandhian and Liberal-Intellectual principles- This classification is not made by the Constitution.

Article 36 of the constitution states that these principles are fundamental in the governance of the country and hence form a moral obligation on the state authorities for their application. Indian state does not have enough resources to make them compulsory. Hence, it cannot be called an obligation on the state.

12.D

13. D

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Fundamental Rights available to only citizens and not foreigners

Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth (Article 15).

Equality of opportunity in matters of public employment (Article 16).

Six basic freedoms subject to reasonable restrictions (Article 19).

Protection of language, script and culture of minorities (Article 29).

Right of minorities to establish and administer educational institutions (Article 30).

14.B

15.A

The ex post facto law is prospective in nature and covers civil laws under its ambit

16. C

The HC can issue writs both for the purpose of fundamental rights and for any other purpose; whereas; the SC can issue writs only for the purpose of fundamental rights. The writ jurisdiction of the HC is discretionary in nature.

The SC can issue writs only in case of appeal; whereas; the HC can issue writs when a person directly approaches it- Incorrect.

17.B

18.B

19.D

20.C

Directive Principles of State Policy –

38 [State to secure a social order for the promotion of welfare of the people](#)

39 [Certain principles of policy to be followed by the State](#)

41 [Right to work, to education and to public assistance in certain cases](#)

45 Text in force - [Provision for free and compulsory education for children](#)

[Inserted by the 86th Amendment in December, 2002 and passed by the Parliament in July, 2009. The provisions of the Act came into force from 1st April, 2010]

[Provision for early childhood care and education to children below the age of six years](#)

46 [Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections](#)

Fundamental Rights

21A

[Right to education](#)

28

[Freedom as to attendance at religious instruction or religious worship in certain educational institutions](#)

30

Right of minorities to establish and administer educational institution

Fundamental Duties

Article 51 A - to provide opportunities for education by the parent the guardian, to his child, or a ward between the age of 6-14 years as the case may be.

21.D

22.C

To promote cottage industries in rural areas. –ART 43-GANDHIAN

To promote equal justice and free legal aid to the poor.

To take steps to secure the participation of workers in the management of the industries

To prohibit slaughter of cows, calves and other mulch and draught cattle and to improve their breeds.-Art 48-gandhian

To promote international peace and security.-Art 51-liberal -intellectual

23.C

29. Protection of interests of minorities

(1) 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 shall have the right to conserve the same

(2) No citizen shall 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

Article 30 in The Constitution Of India 1949

30. Right of minorities to establish and administer educational institutions

(1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice

(2) The state shall not, 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

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Minority is nowhere defined in the constitution

The Supreme Court has held that the right to conserve a language includes the right to agitate for the protection of the language.

The right of minority to impart education to its children in its own language is provided for under Article 30

24.A

Locus Standi” that a person, whose right is infringed alone can file a petition, has been considerably relaxed by the Supreme Court in its recent decisions

Habeas Corpus

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You may have the body

Mandamus(also called 'Writ of Justice')

We Command

Certiorari

To be certified **or** to be fully informed of

Prohibition

To Prohibit

Quo Warranto

What is your authority?

25.A

The Parliament alone can make laws prescribing 'residence' as a condition for certain employment in the state/UT's/local authority or any other authority.

26.C

27. A

Marital law is a state of affairs declared by a civilian government in which the military forces are empowered to rule, govern and control an area, which can be a small locality or the entire nation, in a way involving direct force, and without the usual constraints of democratic decision-making or the acceptance of civil rights. It is always seen as a temporary state of affairs and, unlike a military regime, has legitimacy, because it has been decided upon and granted by the civilian government. The difference between Martial Law and National Emergency in context with India is as follows:

While Martial Law affects only fundamental rights, National Emergency has wider implications upon fundamental rights, federal scheme, distribution of power etc.

Martial law suspends the government as well as ordinary courts of law. In National Emergency, ordinary courts of law keep working.

Martial Law is imposed on account of breakdown of law and order. Emergency is imposed on account of war, external aggression or armed rebellion.

The constitution of India has not specific provisions on martial law i.e. in what conditions or circumstances it will be imposed etc. On the other hand, a whole chapter has been dedicated to emergency provisions

28.B

29.B

30.c

31.B

No provision to encourage, Article 39 states 'the state shall strive to achieve equal pay for men and women.

Justifiable right, since SC has laid right to life under article 21 includes right to free legal aid.

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32.A

Article 25. Freedom of conscience and free profession, practice and propagation of religion.

Article 26. Freedom to manage religious affairs.

Article 27. Freedom as to payment of taxes for promotion of any particular religion.

Article 28. Freedom as to attendance at religious instruction or religious worship in certain education institutions.

33.c

34.d

35.c

36.D

37.C

Preventive detention

Rights of an Arrested Person (Article 22(1) and 22(2))

A person cannot be arrested and detained without being informed why he is being arrested.

A person who is arrested cannot be denied to be defended by a legal practitioner of his choice. This means that the arrested person has right to hire a legal practitioner to defend himself/ herself.

Every person who has been arrested would be produced before the nearest magistrate within 24 hours.

The custody of the detained person cannot be beyond the said period by the authority of magistrate.

The Article 22(1) and 22(2) make the above provisions. However, Article 22(3) says that the above safeguards are not available to the following:

If the person is at the time being an enemy alien.

If the person is arrested under certain law made for the purpose of "Preventive Detention"

The first condition above is justified, because when India is in war, the citizen of the enemy country may be arrested. But the second clause was not easy to justify by the constituent assembly. This was one of the few provisions which resulted in stormy and acrimonious discussions.

38.C

Reservation of backward class is not provided by the Constitution.

39.A

Scheduled Castes is not included in the Constitution

40.D

41 –B

Prohibition of traffic in human beings and forced labour Article 23

Abolition of untouchability Article 17

Protection of interests of minorities Article 29 and 30

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Prohibition of employment of human children in factories and mines. Article 24

42-A

Protection of interests of Schedule Tribes and Schedule Castes.

Scheduled castes is not included in the Constitution.

43.D

44.B

Importance of Article 32

Article 32 was called the “*soul of the constitution and very heart of it*” by Dr. Ambedkar. Supreme Court has included it in basic structure doctrine. Further, it is made clear that right to move to Supreme Court cannot be suspended except otherwise provided by the Constitution. This implies that this right suspended during a national emergency under article 359.

Article 32 makes the Supreme Court the defender and guarantor of the fundamental rights. Further, power to issue writs comes under original jurisdiction of the Supreme Court. This means that a person may approach SC directly for remedy rather than by way of appeal.

Article 32 can be invoked only to get a remedy related to fundamental rights. It is not there for any other constitutional or legal right for which different laws are available.

45.A

46.A

47.D

Features of Govt of India Act 1935

All India Federation

Dyarchy at Centre

Federal Legislature

Council of States

Federal Assembly

Provincial Autonomy

Establishment of Federal Court

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Extension of Franchise

Separation of Burma

48.A

49.B

The expression 'economic justice' envisaged in the preamble of the Indian Constitution denotes the determination of India in bringing socio-economic revolution. Article 39 (b) and (c) are also very significant constitutional provisions in relation to economic justice as they affect the entire economic system of India. They related to distribution of ownership and control of material resources of the community. These articles are characters of the social economic liberties of the people of India

50.D

Both the statements are interchanged

51.B

Factors that limit the sovereignty of Indian Parliament

Written nature of Constitution

Fundamental rights

Federal system of governemnt

System of judicial review

52.D

A rigid constitution doesn't require a special procedure for its amendment – Special amendment by special majority

The fundamental rights are meant for promoting the idea of social democracy- political and civil democracy

Fundamental rights are absolute and not subject to reasonable restrictions.- subject to reasonable restrictions.

Indian parliament is not a sovereign body.- correct.

The doctrine of 'sovereignty of Parliament' is associated with the British Parliament. Sovereignty means the supreme power within the State. That supreme power in Great Britain lies with the Parliament. There are no 'legal' restrictions on its authority and jurisdiction. Therefore, the sovereignty of Parliament (parliamentary supremacy) is a cardinal feature of the British constitutional system.

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53.A

The Preamble states that the Constitution derives its authority from the people of India.

Republic means vesting of political sovereignty in a single individual.- not vesting in a single individual.

Liberty, Equality and Fraternity have been taken from Russian Revolution. – its French Revolution

Preamble is justiciable.- non justifiable

54.C

Members of the Constituent assembly were chosen by direct election. – Indirect election

Constituent assembly was a sovereign body.- Not sovereign.

The members of the Constituent assembly were elected by method of single transferable vote system of proportional representations.- Correct

Constituent Assembly took 1 year to make Constitution.- around 3 years

55.C

Prerogative writs are borrowed from American Constitution.- Britain

Fundamental duties are borrowed from Irish Constitution. - USSR

Public service commission feature is borrowed from Government of India Act 1935.

Division of power between the Union and State is placed in sixth schedule.- Seventh schedule

66.D

67.A

Such a bill can originate in either House.

68.D

Can preamble of the constitution be amended?

This question was initially raised in the **Berubari Case**, where the Supreme Court of India held that, the preamble of the Constitution is not a part of the Constitution, and therefore it is not amendable.

The question was subsequently raised in the famous **Kesavananda Bharati Case**, where the Supreme Court of India reversed the decision in the **Berubari Case**, and held that, preamble of the Constitution is a part of the Constitution, and therefore the Parliament can amend the same under the provisions of Article 368.

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However, it may be noted that, such an amendment under Article 368 of the Indian Constitution shall not affect the basic structure of the Constitution.

69.A

President is the first citizen

70.A

71.C

72.B

73.A

74.D

75.D

75.D

Majority of more than 50% of the members present and voting – Simple majority

Majority of more than 50% of the total strength in the House- absolute Majority

Majority of more than 50% of the effective strength of the House- Effective Majority

Majority of $\frac{2}{3}$ rd of the members present and voting and also more than 50% of the total strength of the House- Special Majority

76.D

The Citizenship Act, 1955, prescribes three ways of losing citizenship whether acquired under the Act or under the Constitution.

By Renunciation -

1. Any citizen of India can make a declaration renouncing is Indian citizenship.
2. However, if such a declaration is made during a war in which India is engaged, its registration shall be withheld by the Central Government.
3. Further, when a person renounces his Indian citizenship, every minor child of that person also loses

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Indian citizenship.

4. But, when such a child attains the age of 18, he may resume Indian citizenship.

By Termination -

1. When an Indian citizen voluntarily acquires the citizenship of another country, he/she automatically ceases to be Indian.

2. This provision does not apply during a war in which India is engaged.

By Deprivation - It is a mandatory termination of Indian citizenship by the Central government, if :

1. the citizen has obtained the citizenship by fraud;
2. the citizen has shown disloyalty to the Constitution of India;
3. the citizen has unlawfully traded or communicated with the enemy during a war;
4. the citizen has, within five years after registration or naturalization, been imprisoned in any country for two years; and
5. the citizen has been ordinarily resident out of India for seven years continuously (not applicable to students studying abroad or to citizens in the service of a government in India or an international organization of which India is a member, or to citizens who register annually at an Indian consulate regarding their intention to retain his Indian citizenship).

77.D

78.A

79.D

80.B

81.C

82. B

83. C

84. A

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85. D

86. C

87. A

88. B

89. D

90. B

91. A

92. C

93. C

94. D

95. B

96. A

97. C

98. D

99. A

100. C

