**IC QUESTION BANK WITH SOLUTION**

**Multiple Choice Questions - Preamble to Part III of Indian Constitution (Articles 1 to 51A)**

1. Which of the following is the correct combination of justice sought to be secured to the citizens of India in the Preamble to the Constitution of India?

1. social, religious and political
2. economic, religious and political
3. social, educational and economic
4. social, economic and political

**Answer (d).**

2. Which of the following dates is mentioned in the Preamble to the Constitution of India?

1. 26 November 1949
2. 25 January 1950
3. 15 August 1947
4. 26 January 1950

**Answer (a).**

3. The Preamble is useful in constitutional interpretation because it

1. uses value-loaded words
2. contains the real objective and philosophy of the Constitution makers
3. is a source of power and limitation
4. gives an exhaustive list of basic features of the constitution

**Answer (b).**

4. Before the Constitution (Forty-second) Amendment Act, 1976 the Preamble resolved India to be

1. Secular Democratic Republic
2. Sovereign Democratic Republic
3. Secular Socialist Democratic Republic
4. Socialist Democratic Republic

**Answer (b).**

5. Which of the following liberites is sought to be secured to the citizens of India in the Preamble?

1. thought, expression, belief, faith and worship
2. thought, expression, belief and faith
3. expression, belief, faith and worship
4. thought, expression, faith and worship

**Answer (a).**

6. Who among the following had moved the objectives resolution which formed the basis of the Preamble of the Constitution of India in the Constituent Assembly on December 13, 1946?

1. Dr. B.R. Ambedkar
2. Dr. Rajendra Prasad
3. Sardar Vallabhbhai Patel
4. Pt. Jawaharlal Nehru

**Answer (d).**

7. By which amendment of the Constitution were the words ‘Socialist and Secular’ added to its Preamble?

1. 42nd
2. 43rd
3. 44th
4. 45th

**Answer (a).**

8. Article 2A was introduced in the Constitution on the inclusion of which of the following territories in India?

1. Jammu and Kashmir
2. Goa
3. Sikkim
4. Puducherry

**Answer (c).**

9. Which of the following is not a **Fundamental Right**?

1. Right to Equality
2. Right to property
3. Right to freedom
4. Right to constitutional Remedies

**Answer (b).**

10. The Fundamental Rights in our constitution are inspired by the constitution of

1. United states of America
2. United Kingdom
3. Switzerland
4. Canada

**Answer (a).**

11. Right to property was removed from the list of fundamental rights during the reign of

1. Mrs Indira Gandhi
2. Morarjee Desai
3. Atal Bihari Vajpayee
4. P.V. Narsimha Rao

**Answer (b).**

12. Which article of the constitution of India abolishes untouchability and forbids its practice in any form?

1. Article 16
2. Article 17
3. Article 18
4. Article 15

**Answer (b).**

13. Which one among the following has the power to regulate the right of citizenship in India?

1. The Union Cabinet
2. The Parliament
3. The Supreme Court
4. The Law Commission

**Answer (b).** Article 11.

14. Articles 17 and 18 of Constitution provide

1. Social equality
2. Economic equality
3. Political equality
4. Religious equality

**Answer (a).** Article 17 abolishes untouchability and Article 18 abolishes titles.

15. The Constitution of India describes India as

1. A Union of states
2. Quasi-federal
3. A Federation of states and Union Territories
4. A Unitary State

**Answer (a).**

16. Which one among the following is not guaranteed by the Constitution of India?

1. Freedom to move freely throughout the country
2. Freedom to assemble peacefully without arms
3. Freedom to own, acquire and dispose of property anywhere in the country
4. Freedom to practice any trade or profession

**Answer (c).**

17. Which of these is NOT included as a Fundamental Right in the Indian Constitution?

1. Right to Freedom of Speech
2. Right to Equality before the Law
3. Right to Constitutional Remedies
4. Right to Equal Wages for Equal Work

**Answer (d).**

18. Which one of the following rights conferred by the Constitution of India is **also** available to non-citizens?

1. Freedom of speech, assembly and form association
2. Freedom to move, reside and settle in any part of the territory of India
3. Freedom to acquire property or to carry on any occupation, trade or business
4. Right to constitutional remedies

**Answer (d).**

19. Which of the following freedoms is not specifically mentioned in the Constitution of India as a fundamental right but has been subsequently upheld by the Supreme Court as such?

1. Freedom of trade, occupation and business
2. Freedom to reside and settle in any part of the country
3. Freedom of association and union
4. Freedom of the press

**Answer (d).**

20. Which one among the following is not included in the Fundamental Rights embodied in the Constitution of India?

1. Right to Equality
2. Right to Freedom
3. Right against Exploitation
4. Right to Information

**Answer (d).**

21. The ‘Instrument of Instructions’ contained in the Government of India Act, 1935 has been incorporated in the Constitution of India in the year 1950 as

1. Fundamental Rights
2. Directive principles of State Policy
3. Extent of Executive Power of State
4. Conduct of Business of the Government of India

**Answer (b).**

22. Which one among the following is a fundamental duty of citizens under the Constitution of India?

1. To provide friendly cooperation to the people of the neighbouring countries
2. To protect monuments of national importance
3. To defend the country and render national service when called upon to do so
4. To know more and more about the history of India.

**Answer (c).**

23. Suppose a legislation was passed by the Parliament imposing certain restrictions on newspapers. These included page ceiling, price and advertisements. The legislation is included in the Ninth Schedule to the Constitution of India. In this context, which one among the following statements is correct?

1. The legislation is invalid as it violates the freedom of Press
2. The legislation is valid by virtue of Article 31B
3. The legislation is invalid as it imposes unreasonable restrictions under Article 19(2) of the Constitution
4. The legislation is valid as the Press is not a citizen under Article 19 of the Constitution

**Answer (c).** Article 19(2) allows the State to make any law imposing reasonable restrictions on the exercise of the right to freedom in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence. In the given case restriction on page ceiling, price and advertisements cannot be said to be reasonable and hence the legislation though included in the Ninth Schedule is invalid.

24. Which one of the following is a Human Right as well as a Fundamental Right under the Constitution of India?

1. Right to information
2. Right to education
3. Right to work
4. Right to housing

**Answer (b).**

25. In which of the following years the Fundamental Duties were included in the Constitution of India?

1. 1965
2. 1976
3. 1979
4. 1982

**Answer (b).** 42nd Amendment Act.

26. Which article of the Indian constitution includes the Fundamental Duties of the Indian citizens?

1. Article 50A
2. Article 50B
3. Article 51A
4. Article 51B

**Answer (c).**

27. Which of the following articles was decribed as the Heart and Soul of Indian Constitution by Dr. B.R. Ambedkar?

1. Article 32
2. Article 17
3. Article 19
4. Article 21

**Answer (a).**

28. Which of the following articles was inserted by the Constitution (Eighty-Sixth) Amendment Act, 2002 to to provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right?

1. Article 17A
2. Article 19B
3. Article 21A
4. Article 31A

**Answer (c).**

29. Which of the following is incorrect with regard to protection in respect of conviction for offences offered by Article 20?

1. A person can be only convicted for violation of a law in force at the time of commission of an act.
2. A person can be prosecuted and punished only once for a particular offence
3. A person can be compelled to be a witness against himself
4. A person cannot be subjected to a higher penalty than which was applicable at the time of the offence.

**Answer (c).**

30. Which of the following has been prescribed as a Fundamental Duty to a parent or a guardian under Article 51A of the Indian Constitution?

1. to look after his parents above 60 years of age.
2. to provide opportunities for education of his child between the age of six and fourteen years of age
3. to divide his property equally between his son and daughters
4. to encourage his children to take part in the defense of his country

**Answer (c).**

31. Directive Principles of State policy have been enumerated in the Part IV of the constitution. The concept has been borrowed from :

1. U. S. A.
2. England
3. Ireland
4. France

**Answer (c).**

32.  Which of the following emerges clearly from the Preamble?  
  
1) Date of adoption of Constitution  
2) Ideals that are to be achieved  
3) Nature of Indian state  
4) The source of authority of the Constitution  
  
a. Only 1 and 2

b. Only 1, 2 and 4

c. Only 1 and 4

d. All of the above

ANSWER: All of the above

American Constitution started with the concept of the Preamble.

Preamble means introduction or preface to the Constitution.

It has the summary or essence of the Constitution.

The Preamble to the Indian Constitution is based on the ‘Objectives Resolution’, drafted and moved by Pandit Nehru, and adopted by the Constituent Assembly.

The 42nd Constitutional Amendment Act, 1976, amended it by adding three new words to it - socialist, secular and integrity.

The Preamble has 4 components within it.

They are -  
  
1. Source of authority of the Constitution : The source is people of India.  
2. Nature of Indian State : India is to be of a sovereign, socialist, secular democratic and republican polity.  
3. Ideals to be achieved or the objectives of the Constitution : It tells that we must achieve - justice, liberty, equality and fraternity.  
4. Date of adoption of the Constitution : November 26, 1949. However, the constitution came into force on 26th January 1950.

Preamble is also known as Soul or Identity Card of the Constitution. It is also known as the key to the Indian Constitution.

It embodies the vision, noble ideas of the makers of the constitution and the basic philosophy on which the constitution is based.

It can be used to understand the ambit of Fundamental Rights and the Directive Principles of State Policy.

It also has the basic structure of the constitution.

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| 33.   Which is the correct sequence of the following words in the preamble of the constitution?  a. Sovereign, Democratic, Socialist, Secular, Republic b. Sovereign, Socialist, Secular, Democratic, Republic c. Sovereign, Socialist, Democratic, Secular, Republic d. None of these   |  | | --- | | [Answer](javascript:%20void%200;)  [Explanation](https://www.careerride.com/mchoice/india-is-sovereign-socialist-secular-democratic-republic-27224.aspx) | | ANSWER: Sovereign, Socialist, Secular, Democratic, Republic  Explanation: The Preamble says – “We, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC, REPUBLIC…”  Sovereign.  1. India is neither a dependency (colony) nor a dominion of any other nation. 2. It is free independent state and can conduct its internal and external affairs freely. 3. There is no authority above it. 4. Continuing membership of Commonwealth in 1949 does not affect sovereignty. 5. India became member of UN in 1945. 6. India can either acquire a foreign territory or cede a part of its territory to a foreign state.  Socialist - The word was added by 42nd Amendment, 1976.  1. The Constitution had a socialist content in the form of certain Directive Principles of State Policy. 2. The Indian brand of socialism is a ‘democratic socialism’ and not a ‘communistic socialism’. 3. Communistic socialism is also known as ‘state socialism’ and involves the nationalization of all means of production and distribution and the abolition of private property. 4. Democratic socialism, has faith in a ‘mixed economy’ i.e., faith in both public and private sector. 5. Indian socialism is a blend of Marxism and Gandhism, leaning heavily towards Gandhian socialism.  Secular - India supports all religions equally.  1. The term was added by 42nd Constitutional Amendment Act, 1976. 2. Though the words ‘secular state’ were not expressly mentioned in the Constitution, the maker of the Constitution wanted to India to be secular state. 3. So, only Articles 25 to 28 (fundamental right to freedom of religion) have been in the constitution. 4. India has positive concept of secularism i.e., all religions in our country have the same status and support from the state  Democratic - Rule of people.  Republic - It means elected head of state. | |
| 34.   Which of the following sentences is/are true?  1) Plebiscite is when a proposed general legislation is referred to the electorate for acceptance through direct voting. 2) Republic means elected head of government.  a. Only 1 b. Only 2 c. Both 1 and 2 d. Neither 1 nor 2   |  | | --- | | [Answer](javascript:%20void%200;)  [Explanation](https://www.careerride.com/mchoice/direct-democracy-devices-referendum-initiative-recall-plebiscite-27225.aspx) | | ANSWER: Neither 1 nor 2  Explanation: The Preamble says – “We, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC, REPUBLIC…”  Democratic-Rule of people. 1. Doctrine of popular sovereignty means people possess supreme power 2. Democracy is of two types - direct and indirect. 3. In direct democracy, the people exercise their supreme power directly e.g., Switzerland.  4. Direct democracy has 4 devices - Referendum, Initiative, Recall and Plebiscite  Referendum - procedure in which a proposed legislation is referred to the electorate for acceptance through direct voting. Initiative - method by means of which the people can propose a bill to the legislature for enactment. Recall - way for voters to remove a representative or an officer before the expiry of his/her term, when he fails to discharge his duties properly. Plebiscite - method of obtaining the opinion of people on any issue of public importance. It is generally used to solve territorial disputes.  5. In indirect democracy, the representatives elected by the people exercise the supreme power. This also called representative democracy. 6. These are of two kinds - parliamentary and presidential. 7. India has representative parliamentary democracy with universal adult franchise. 8. The preamble envisions political, social and economic democracy.  Republic-It means elected head of state.  1. It means head of state is not hereditary like in monarchy. 2. Political sovereignty rests with people. 3. All public offices are open to all without any discrimination. | |
| 35.   Which case/s emphasized that Preamble is part of the Constitution?  1) Kesavananda Bharati Case 2) LIC of India Case 3) Golakhnath Case 4) Berubari Union Case  a. 1 b. 1, 2 c. 1, 2, 4 d. All of the above   |  | | --- | | [Answer](javascript:%20void%200;)  [Explanation](https://www.careerride.com/mchoice/preamble-is-part-of-the-constitution-kesavananda-bharati-case-27227.aspx) | | ANSWER: 1, 2  Explanation:  While forwarding the Preamble for votes, the president of the Constituent Assembly said, ‘The question is that Preamble stands part of the Constitution’. The motion was then adopted.  In the Berubari Union case (1960), the Supreme Court said that the Preamble shows the general purposes behind the several provisions in the Constitution.  But Preamble is not a part of the Constitution.  In the Kesavananda Bharati case (1973), the Supreme Court said that Preamble is a part of the Constitution.  In the LIC of India case (1995) also, the Supreme Court again held that the Preamble is an integral part of the Constitution.  Like any other part of the Constitution, the Preamble was also enacted by the Constituent Assembly.  But the Preamble is not a source of power for the legislature nor a prohibition on the legislature’s powers.  It is non-justiciable and cannot be enforced by any court of law.  Question of amending the Preamble first came up during Kesavananda Bharati case (1973).  SC allowed amending the preamble under article 368, as long as the basic structure of the constitution is not touched. | |
| 36.   Which of the following sentences is/are true?  1) Liberty provided by the preamble is qualified 2) Preamble says ‘Equality, Social, Economic and Political,…’ 3) Integrity of the nation is a territorial concept 4) Justice in preamble is inspired from the Russian Revolution  a. Only 1, 3 and 4 b. Only 1, 2 and 3 c. Only 2, 3 and 4 d. All of the above   |  | | --- | | [Answer](javascript:%20void%200;)  [Explanation](https://www.careerride.com/mchoice/liberty-equality-and-fraternity-from-french-revolution-27229.aspx) | | ANSWER: Only 1, 3 and 4  Explanation: The text of the Preamble reads as ‘…EQUALITY of status and of opportunity…’  Justice-The feature of Justice - social, economic and political has been taken from Russian Revolution, 1917. 1. Fundamental Rights and Directive Principles provide justice. 2. Social justice means equal treatment of all citizens without any social distinction. 3. Economic justice means non-discrimination between people based on economic factors and elimination of in-equalities in wealth. 4. Social justice plus economic justice is known as ‘distributive justice’. 5. Political justice means that all citizens should have equal political rights, equal access to all political offices and equal voice in the government.  Liberty-It means providing individual freedom and opportunities to develop oneself. 1. Liberty, equality and fraternity are taken from French Revolution (1789-1799). 2. Liberty in preamble is qualified (having restrictions) and not absolute. 3. Preamble denotes liberty of thought, expression, belief, faith and worship.  Equality-It means to treat all of them same with no privileges to any person or group. 1. Civic (Article 14 to 18), political (Article 325 and 326) and economic equality (Articles 39, etc.) are guaranteed by Fundamental Rights and Directive Principles.  Fraternity-it is sense of brotherhood, family, oneness 1. As per Fundamental Duties (Article 51-A) we all must promote harmony and the spirit of common brotherhood. 2. Fraternity has two parts - dignity of the individual and the unity and integrity of the nation. 3. The word ‘integrity’ has been added to the preamble by the 42nd Constitutional Amendment of 1976. 4. Dignity means material development of life as well as personality development. 5. Unity is moral and psychological aspect and integrity is territorial aspect. 6. Integrity aims at countering secessionism and separation. 7. Unity is aimed at being united in spirit and having common brotherhood. | |

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| **37.   Which is the correct sequence of the following words in the preamble of the constitution?**  **a.** Sovereign, Democratic, Socialist, Secular, Republic **b.** Sovereign, Socialist, Secular, Democratic, Republic **c.** Sovereign, Socialist, Democratic, Secular, Republic **d.** None of these   |  | | --- | | [Answer](javascript:%20void%200;)  [Explanation](https://www.careerride.com/mchoice/india-is-sovereign-socialist-secular-democratic-republic-27224.aspx) | | **ANSWER: Sovereign, Socialist, Secular, Democratic, Republic**  **Explanation:** The Preamble says – “We, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC, REPUBLIC…”   * Sovereign.   1. India is neither a dependency (colony) nor a dominion of any other nation. 2. It is free independent state and can conduct its internal and external affairs freely. 3. There is no authority above it. 4. Continuing membership of Commonwealth in 1949 does not affect sovereignty. 5. India became member of UN in 1945. 6. India can either acquire a foreign territory or cede a part of its territory to a foreign state.   * Socialist - The word was added by 42nd Amendment, 1976.   1. The Constitution had a socialist content in the form of certain Directive Principles of State Policy. 2. The Indian brand of socialism is a ‘democratic socialism’ and not a ‘communistic socialism’. 3. Communistic socialism is also known as ‘state socialism’ and involves the nationalization of all means of production and distribution and the abolition of private property. 4. Democratic socialism, has faith in a ‘mixed economy’ i.e., faith in both public and private sector. 5. Indian socialism is a blend of Marxism and Gandhism, leaning heavily towards Gandhian socialism.   * Secular - India supports all religions equally.   1. The term was added by 42nd Constitutional Amendment Act, 1976. 2. Though the words ‘secular state’ were not expressly mentioned in the Constitution, the maker of the Constitution wanted to India to be secular state. 3. So, only Articles 25 to 28 (fundamental right to freedom of religion) have been in the constitution. 4. India has positive concept of secularism i.e., all religions in our country have the same status and support from the state   * Democratic - Rule of people. * Republic - It means elected head of state. | |
| **38.  Which of the following sentences is/are true?  1) Plebiscite is when a proposed general legislation is referred to the electorate for acceptance through direct voting. 2) Republic means elected head of government.**  **a.** Only 1 **b.** Only 2 **c.** Both 1 and 2 **d.** Neither 1 nor 2   |  | | --- | | [Answer](javascript:%20void%200;)  [Explanation](https://www.careerride.com/mchoice/direct-democracy-devices-referendum-initiative-recall-plebiscite-27225.aspx) | | **ANSWER: Neither 1 nor 2**  **Explanation:** The Preamble says – “We, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC, REPUBLIC…”   * Democratic-Rule of people. 1. Doctrine of popular sovereignty means people possess supreme power 2. Democracy is of two types - direct and indirect. 3. In direct democracy, the people exercise their supreme power directly e.g., Switzerland.   4. Direct democracy has 4 devices - **Referendum, Initiative, Recall and Plebiscite**  **Referendum -** procedure in which a proposed legislation is referred to the electorate for acceptance through direct voting. **Initiative -** method by means of which the people can propose a bill to the legislature for enactment. **Recall -** way for voters to remove a representative or an officer before the expiry of his/her term, when he fails to discharge his duties properly. **Plebiscite -** method of obtaining the opinion of people on any issue of public importance. It is generally used to solve territorial disputes.  5. In indirect democracy, the representatives elected by the people exercise the supreme power. This also called representative democracy. 6. These are of two kinds - parliamentary and presidential. 7. India has representative parliamentary democracy with universal adult franchise. 8. The preamble envisions political, social and economic democracy.   * Republic-It means elected head of state.  1. It means head of state is not hereditary like in monarchy. 2. Political sovereignty rests with people. 3. All public offices are open to all without any discrimination. | |
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| **39.   Which of the following sentences is/are true? 1) Liberty provided by the preamble is qualified 2) Preamble says ‘Equality, Social, Economic and Political,…’ 3) Integrity of the nation is a territorial concept 4) Justice in preamble is inspired from the Russian Revolution**  **a.** Only 1, 3 and 4 **b.** Only 1, 2 and 3 **c.** Only 2, 3 and 4 **d.** All of the above   |  | | --- | | [Answer](javascript:%20void%200;)  [Explanation](https://www.careerride.com/mchoice/liberty-equality-and-fraternity-from-french-revolution-27229.aspx) | | **ANSWER: Only 1, 3 and 4**  **Explanation:** The text of the Preamble reads as ‘…EQUALITY of status and of opportunity…’   * Justice-The feature of Justice - social, economic and political has been taken from Russian Revolution, 1917. 1. Fundamental Rights and Directive Principles provide justice. 2. Social justice means equal treatment of all citizens without any social distinction. 3. Economic justice means non-discrimination between people based on economic factors and elimination of in-equalities in wealth. 4. Social justice plus economic justice is known as ‘distributive justice’. 5. Political justice means that all citizens should have equal political rights, equal access to all political offices and equal voice in the government. * Liberty-It means providing individual freedom and opportunities to develop oneself. 1. Liberty, equality and fraternity are taken from French Revolution (1789-1799). 2. Liberty in preamble is qualified (having restrictions) and not absolute. 3. Preamble denotes liberty of thought, expression, belief, faith and worship. * Equality-It means to treat all of them same with no privileges to any person or group. 1. Civic (Article 14 to 18), political (Article 325 and 326) and economic equality (Articles 39, etc.) are guaranteed by Fundamental Rights and Directive Principles. * Fraternity-it is sense of brotherhood, family, oneness 1. As per Fundamental Duties (Article 51-A) we all must promote harmony and the spirit of common brotherhood. 2. Fraternity has two parts - dignity of the individual and the unity and integrity of the nation. 3. The word ‘integrity’ has been added to the preamble by the 42nd Constitutional Amendment of 1976. 4. Dignity means material development of life as well as personality development. 5. Unity is moral and psychological aspect and integrity is territorial aspect. 6. Integrity aims at countering secessionism and separation. 7. Unity is aimed at being united in spirit and having common brotherhood. | |

# Questions on Fundamental Rights and duties

**40. Which part of the constitution mentions about fundamental rights?  
Ans: Part-III**

* Part-III of the Indian Constitution deals with fundamental rights from Articles 12 to 35. Part-III that is Fundamental rights is described as Magna Carta of the Indian constitution.
* Part-IV of Indian constitution deals with Directive principles of state policy from Articles 36 to 51.
* Part-V of the Indian Constitution deals with fundamental duties. Fundamental duties are contained in Article 51 (A).

**41. How many Fundamental rights are presented in the constitution?**  
**Ans: 6**

* Originally, the Constitution provided for seven Fundamental Rights. But right to property was deleted from the list of Fundamental Rights by the 44th Amendment Act, 1978.

Therefore, now there are only six fundamental rights.

**42. Which article deals with Abolition of Untouchability?  
Ans: Article-17**

**43. Recently, under which article Supreme Court declared Right to privacy as fundamental right?  
Ans: Article-21**

* Article-21: No person shall be deprived of his life or personal liberty except according to procedure established by law

**44. Who is the head of Second Backwards class commission?  
Ans: BP Mandal**  
**45. Right to freedom of speech and expression is provided under which article?  
Ans: Article-19**  
**46. By which amendment act Right to education was made a fundamental right?  
Ans: 86th constitution amendment act-2002**

* By 86th constitution amendment act in 2002, Right to education made as fundamental right under Article 21-A of the constitution.
* Under this article, State shall provide free and compulsory education to all children of the age of six to fourteen years. Thus, this provision makes only elementary education a Fundamental Right and not higher or professional education

**47. From which constitution Directive Principles of state policy was borrowed?  
Ans: Ireland**

* Dr Ambedkar described Directive principles as ‘novel features’ of the Indian Constitution.

**48. Which article of the constitution deals with village panchayats?  
Ans: Article-40**

**49.  Article 39-A deals with  
Ans: Free legal aid to the poor**

* Article 39-A was added through 42nd Constitutional amendment act in 1976.
* Article 39-A: To promote equal justice and to provide free legal aid to the poor.

**50. Which is the only state in India that has Uniform Civil code?  
Ans: Goa**

* Article 44 of the constitution deals with uniform civil code.

**51. What is the basic difference between Fundamental Rights and Directive principle of state policy?**

* Fundamental rights are justiciable in nature that is they are enforceable by courts whereas Directive Principles of state policy in non-justiciable in nature.
* Fundamental rights promote Political democracy whereas Directive principles promote social and economic democracy.

**52. On whose recommendation fundamental duties were incorporated in the constitution?  
Ans: Swaran Singh committee**

* Fundamental duties were added to the Indian constitution through 42nd Constitutional amendment act in 1976 based on the recommendations of the Swaran Singh committee.
* This amendment added a new part to the constitution (Part-IV A which deals with fundamental duties). This new part consists of only one Article, that is, Article 51A.

**53. How many numbers of fundamental duties are present in the constitution?  
Ans: 11**

* Originally there were ten fundamental duties. In 2002 through 86th constitutional amendment act, one more fundamental duty was added.

**54. In which year Prevention of Insults to National Honour Act was enacted?  
Ans: 1971**  
  
**55. Who is known as guardian of the constitution?  
Ans: Supreme Court**

* Under Article 32 if a fundamental right of a person is violated then the aggrieved can directly go to the Supreme Court for remedy.

**56. Under which article High court issues writs for the enforcement of fundamental rights?  
Ans: Article-226**

* Supreme Court issue writs under Article 32 of the constitution.
* The Supreme Court can issue writs only for the enforcement of fundamental rights whereas a high court can issue writs not only for the enforcement of Fundamental Rights but also for any other purpose. That is high court can issue writs for enforcement normal legal rights also. Therefore Writ Jurisdiction of the High court is greater than Supreme Court.

**57. What is the meaning of writ Habeas carpus?  
Ans: 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. The court then examines the cause and legality of detention. It would set the detained person free if the detention is found to be illegal. Thus, this writ is a bulwark of individual liberty against arbitrary detention.

**58. Which article provides protection against arrest and detention?  
Ans: Article-22**  
  
**59. Which article is known as Heart and Soul of the constitution?  
Ans: Article-32**  
**60. How many rights were guaranteed under Article-19?  
Ans: Six**  
They are

* Freedom of speech and expression.
* Right to assemble peacefully without arms
* Right to form associations
* Right to move freely throughout India
* Right to reside and settle in any part of India
* Right to practice any profession or business

**61. Respecting National flag, national anthem falls under  
Ans: Fundamental duties**  
**62. Protection of wildlife falls under  
Ans: DPSP**  
  
**63. On which year fundamental duties were incorporated in the constitution?  
Ans: 1976**  
  
**64. From which country fundamental duties were taken?  
Ans: USSR**

Questions on Fundamental Rights and duties

**65. Which part of the constitution mentions about fundamental rights?  
Ans: Part-III**

* Part-III of the Indian Constitution deals with fundamental rights from Articles 12 to 35. Part-III that is Fundamental rights is described as Magna Carta of the Indian constitution.
* Part-IV of Indian constitution deals with Directive principles of state policy from Articles 36 to 51.
* Part-V of the Indian Constitution deals with fundamental duties. Fundamental duties are contained in Article 51 (A).

**66. How many Fundamental rights are presented in the constitution?**  
**Ans: 6**

* Originally, the Constitution provided for seven Fundamental Rights. But right to property was deleted from the list of Fundamental Rights by the 44th Amendment Act, 1978.

Therefore, now there are only six fundamental rights.

**67. Which article deals with Abolition of Untouchability?  
Ans: Article-17**

**68. Recently, under which article Supreme Court declared Right to privacy as fundamental right?  
Ans: Article-21**

* Article-21: No person shall be deprived of his life or personal liberty except according to procedure established by law

**69. Who is the head of Second Backwards class commission?  
Ans: BP Mandal**  
  
**70. Right to freedom of speech and expression is provided under which article?  
Ans: Article-19**  
  
**70. By which amendment act Right to education was made a fundamental right?  
Ans: 86th constitution amendment act-2002**

* By 86th constitution amendment act in 2002, Right to education made as fundamental right under Article 21-A of the constitution.
* Under this article, State shall provide free and compulsory education to all children of the age of six to fourteen years. Thus, this provision makes only elementary education a Fundamental Right and not higher or professional education

**71. From which constitution Directive Principles of state policy was borrowed?  
Ans: Ireland**

* Dr Ambedkar described Directive principles as ‘novel features’ of the Indian Constitution.

**72. Which article of the constitution deals with village panchayats?  
Ans: Article-40**

**73.  Article 39-A deals with  
Ans: Free legal aid to the poor**

* Article 39-A was added through 42nd Constitutional amendment act in 1976.
* Article 39-A: To promote equal justice and to provide free legal aid to the poor.

**74. Which is the only state in India that has Uniform Civil code?  
Ans: Goa**

* Article 44 of the constitution deals with uniform civil code.

**75. What is the basic difference between Fundamental Rights and Directive principle of state policy?**

* Fundamental rights are justiciable in nature that is they are enforceable by courts whereas Directive Principles of state policy in non-justiciable in nature.
* Fundamental rights promote Political democracy whereas Directive principles promote social and economic democracy.

**76. On whose recommendation fundamental duties were incorporated in the constitution?  
Ans: Swaran Singh committee**

* Fundamental duties were added to the Indian constitution through 42nd Constitutional amendment act in 1976 based on the recommendations of the Swaran Singh committee.
* This amendment added a new part to the constitution (Part-IV A which deals with fundamental duties). This new part consists of only one Article, that is, Article 51A.

**77. How many numbers of fundamental duties are present in the constitution?  
Ans: 11**

* Originally there were ten fundamental duties. In 2002 through 86th constitutional amendment act, one more fundamental duty was added.

**78. In which year Prevention of Insults to National Honour Act was enacted?  
Ans: 1971**  
**79. Who is known as guardian of the constitution?  
Ans: Supreme Court**

* Under Article 32 if a fundamental right of a person is violated then the aggrieved can directly go to the Supreme Court for remedy.

**79. Under which article High court issues writs for the enforcement of fundamental rights?  
Ans: Article-226**

* Supreme Court issue writs under Article 32 of the constitution.
* The Supreme Court can issue writs only for the enforcement of fundamental rights whereas a high court can issue writs not only for the enforcement of Fundamental Rights but also for any other purpose. That is high court can issue writs for enforcement normal legal rights also. Therefore Writ Jurisdiction of the High court is greater than Supreme Court.

**80. What is the meaning of writ Habeas carpus?  
Ans: 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. The court then examines the cause and legality of detention. It would set the detained person free if the detention is found to be illegal. Thus, this writ is a bulwark of individual liberty against arbitrary detention.

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**87. From which country fundamental duties were taken?  
Ans: USSR**  
  
Directive Principles of State Policy - Questions and Answers

|  |  |  |
| --- | --- | --- |
| **88. The Irish copied the idea of Directive Principles of State Policy from?**  **a.** Italian Constitution **b.** Spanish Constitution **c.** German Constitution **d.** Swedish Constitution   |  | | --- | |  | | **ANSWER: Spanish Constitution**  **Explanation:**   * The Directive Principles of State Policy are in Part IV of the Constitution from Articles 36 to 511. * 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. * The Directive Principles along with the Fundamental Rights contain the philosophy of the Constitution and is the soul of the Constitution. * Granville Austin has described the Directive Principles and the Fundamental Rights as the ‘Conscience of the Constitution’.   **Features -**  1. They denote the ideals that the State should keep in mind while formulating policies and enacting laws.  2. These are the constitutional instructions or recommendations to the State in legislative, executive and administrative matters.  3. According to Article 36, the term ‘State’ in Part IV has the same meaning as in Part III dealing with Fundamental Rights.  4. Thus, it includes the legislative and executive organs of the central and state governments, all local authorities and all other public authorities in the country.  5. The Directive Principles resemble the ‘Instrument of Instructions’ enumerated in the Government of India Act of 1935.  6. Dr. B. R. Ambedkar said - the Directive Principles are like the instrument of instructions, which were issued to the Governor-General and to the Governors of the colonies of India by the British Government under the Government of India Act of 1935.  7. The only difference is that they are instructions to the legislature and the executive.  8. The Directive Principles constitute a very comprehensive economic, social and political programme for a modern democratic State.  9. They aim at realizing the high ideals of justice, liberty, equality and fraternity as outlined in the Preamble to the Constitution.  10. They embody the concept of a ‘welfare state’ and not that of a ‘police state’, which existed during the colonial era.  11. They seek to establish economic and social democracy in the country.  12. The Directive Principles are non-justiciable in nature, that is, they are not legally enforceable by the courts for their violation.  13. The government (Central, state and local) cannot be compelled to implement them.  14. The Constitution (Article 37) itself says that these principles are fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.  15. The Directive Principles, though non-justiciable, help the courts in examining and determining the constitutional validity of a law.  16. The Supreme Court has ruled many a times that in determining the constitutionality of any law, if a court finds that the law in question seeks to give effect to a Directive Principle, it may consider such law to be ‘reasonable’ in relation to Article 14 (equality before law) or Article 19 (six freedoms) and thus save such law from unconstitutionality. | |
| **89. Which of the following are Gandhian Directive Principles?  1) To organize village panchayats 2) To secure opportunities for healthy development of children 3) To promote cottage industries**  **a.** 2, 3 **b.** 1, 2 **c.** 1, 3 **d.** All of the above   |  | | --- | |  | | **ANSWER: 1, 3**  **Explanation:**   * The Constitution does not contain any classification of Directive Principles (DPSPs). However, on the basis of their content and direction, they can be classified into three broad categories, viz, socialistic, Gandhian and liberal-intellectual. * **Socialistic Principles -**They reflect ideology of socialism. They lay down the framework of a democratic socialist state, aim at providing social and economic justice, and set the path towards welfare state.   **These DPSPs direct the state -**  1. To promote the welfare of the people by securing a social order permeated by justice - social, economic and political - and to minimize inequalities in income, status, facilities and opportunities (Article 38) (second provision was added by the 44th Constitutional Amendment Act of 1978).  2. **To secure:**  (a) the right to adequate means of livelihood for all citizens;  (b) the equitable distribution of material resources of the community for the common good;  (c) prevention of concentration of wealth and means of production;  (d) equal pay for equal work for men and women;  (e) preservation of the health and strength of workers and children against forcible abuse; and  (f) opportunities for healthy development of children (Article 39) (modified by the 42nd Constitutional Amendment Act of 1976).  3. To promote equal justice and to provide free legal aid to the poor (Article 39 A) (added by the 42nd Constitutional Amendment Act of 1976).  4. To secure the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement (Article 41).  5. To make provision for just and humane conditions for work and maternity relief (Article 42).  6. To secure a living wage, a decent standard of life and social and cultural opportunities for all workers (Article 43).  7. To take steps to secure the participation of workers in the management of industries (Article 43 A) (added by the 42nd Constitutional Amendment Act of 1976)  8. To raise the level of nutrition and the standard of living of people and to improve public health (Article 47).   * **Gandhian Principles -** They are based on Gandhian ideology and represent the programme of reconstruction enunciated by Gandhi during the national movement. * In order to fulfill the dreams of Gandhi, some of his ideas were included as Directive Principles.   **They require the State -**  1. To organize village panchayats and endow them with necessary powers and authority to enable them to function as units of self-government (Article 40).  2. To promote cottage industries on an individual or co-operation basis in rural areas (Article 43).  3. To promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies (Article 43B) (added by the 97th Constitutional Amendment Act of 2011).  4. To promote the educational and economic interests of SCs, STs, and other weaker sections of the society and to protect them from social injustice and exploitation (Article 46).  5. To prohibit the consumption of intoxicating drinks and drugs which are injurious to health (Article 47).  6. To prohibit the slaughter of cows, calves and other milch and draught cattle and to improve their breeds (Article 48). | |
| **91. Which of the following is/are true regarding Directive Principles of State Policy (DPSPs)?  1) DPSPs are not automatically enforced. 2) Court can uphold the validity of a law on the ground that it was enacted to give effect to a DPSP.**  **a.** Only 1 **b.** Only 2 **c.** Both 1 and 2 **d.** All of the above   |  | | --- | |  | | **ANSWER: Both 1 and 2**  **Explanation:** Distinction between DPSPs and FRs -  **Fundamental Rights -**  1. These are negative as they prohibit the State from doing certain things. 2. These are justiciable, i.e., they are legally enforceable by the courts in case of their violation. 3. They aim at establishing political democracy. 4. These have legal sanctions. 5. They promote the welfare of the individual. Hence, they are personal and individualistic. 6. They do not require any legislation for their implementation. 7. They are automatically enforced. 8. The courts are bound to declare a law violating any of the Fundamental Rights as unconstitutional and invalid.  **Directive Principles -**  1. These are positive as they require the State to do certain things. 2. These are non-justiciable, that is, they are not legally enforceable by the courts for their violation. 3. They aim at establishing social and economic democracy in the country. 4. These have moral and political sanctions. 5. They promote the welfare of the community. Hence, they are societarian and socialist. 6. They require legislation for their implementation. 7. They are not automatically enforced. 8. The courts cannot declare a law violating any of the Directive Principles as unconstitutional and invalid. 9. However, they can uphold the validity of a law on the ground that it was enacted to give effect to a directive. | |
| **92. Which of the following are criticisms of Directive Principles of State Policy (DPSPs)?  1) Does not speak of welfare state 2) Illogically Arranged 3) Conservative 4) Need more principles**  **a.** 1, 2, 3 **b.** 1, 4 **c.** 2, 3 **d.** All of the above   |  | | --- | |  | | **ANSWER: 2, 3**  **Explanation:**  The Directive Principles of State Policy have been criticized by some members of the Constituent Assembly as well as other constitutional and political experts because -  **No Legal Force -**   * They are non-justiciable in character. * Sir Ivor Jennings thought they are only ‘pious aspirations’.   **Illogically Arranged -**   * Critics opine that the Directives are not arranged in a logical manner based on a consistent philosophy. * According to N. Srinivasan, ‘the Directives are neither properly classified nor logically arranged. * The declaration mixes up relatively unimportant issues with the most vital economic and social questions. * It combines rather incongruously the modern with the old and provisions suggested by the reason and science with provisions based purely on sentiment and prejudice’.   **Conservative -**   * According to Sir Ivor Jennings, the Directives are based on the political philosophy of the 19th century England. * He remarked - Part IV of the Constitution expresses Fabian Socialism without the socialism. * He opined that the Directives ‘are deemed to be suitable in India in the middle of the twentieth century. The question whether they are suitable for the twenty-first century cannot be answered; but it is quite probable that they will be entirely out moded.’   **Constitutional Conflict -**   * K. Santhanam has pointed out that the Directives lead to a constitutional conflict :   1. between the Centre and the states; 2. between the President and the Prime Minister; and 3. between the governor and the Chief Minister.   * According to him, the Centre can give directions to the states with regard to the implementation of these principles, and in case of non-compliance, can dismiss the state government. * Similarly, when the Prime Minister gets a bill (which violates the Directive Principles) passed by the Parliament, the president may reject the bill on the ground that these principles are fundamental to the governance of the country and hence, the ministry has no right to ignore them. * The same constitutional conflict may occur between the governor and the chief minister at the state level. | |
| **93. Which of the following is/are true?  1) India did not possess sufficient financial resources to implement DPSPs at start of the constitution. 2) Dr. B. R. Ambedkar recommended division of individual rights into - justiciable and non-justiciable.**  **a.** Only 1 **b.** Only 2 **c.** Both 1 and 2 **d.** Neither 1 nor 2   |  | | --- | |  | | **ANSWER: Only 1**  **Explanation:**   * Sir B. N. Rau, the Constitutional Advisor to the Constituent Assembly, recommended that the rights of an individual should be divided into two categories - justiciable and non-justiciable, which was accepted by the Drafting Committee. * Consequently, the Fundamental Rights, which are justiciable in nature, are incorporated in Part III and the Directive Principles, which are non-justiciable in nature, are incorporated in Part IV of the Constitution. * Though the Directive Principles are non-justiciable, the Constitution (Article 37) make it clear that ‘these principles are fundamental in the governance of the country. * Also, it shall be the duty of the state to apply these principles in making laws’. * They impose a moral obligation on the state authorities for their application, but the real force behind them is political, that is, public opinion. * Dr. B. R. Ambedkar said in the Constituent Assembly that ‘a government which rests on popular vote can hardly ignore the Directive Principles while shaping its policy. If any government ignores them, it will certainly have to answer for that before the electorate at the election time.’   **The framers of the Constitution made the Directive Principles non-justiciable and legally non-enforceable because :**  1. The country did not possess sufficient financial resources to implement them.  2. The presence of vast diversity and backwardness in the country would stand in the way of their implementation.  3. The newly born independent Indian State with its many preoccupations might be crushed under the burden unless it was free to decide the order, the time, the place and the mode of fulfilling them.   * ‘The Constitution makers, therefore, taking a pragmatic view, refrained from giving teeth to these principles. They believed more in an awakened public opinion rather than in court procedures as the ultimate sanction for the fulfillment of these principles’. | |
| **94. Which of the following examples of implementation of Directive Principles? 1) Planning Commission 2) Wildlife (Protection) Act, 1972 3) 73rd Amendment Act of 1992 4) Minimum Wages Act**  **a.** 1, 2, 4 **b.** 1, 3 **c.** 2, 3, 4 **d.** All of the above   |  | | --- | |  | | **ANSWER: All of the above**  **Explanation:** Since 1950, the governments at the Centre and in the states, have made several laws and formulated various programmes for implementing the Directive Principles. **Some examples of it are -**   * The Planning Commission was established in 1950 to take up the development of the country in a planned manner. The successive Five Year Plans aimed at securing socio-economic justice and reducing inequalities of income, status and opportunities.   **Land reform laws and measures like -**  1. abolition of intermediaries like zamindars, jagirdars, inamdars, etc;  2. tenancy reforms like security of tenure, fair rents, etc;  3. imposition of ceilings on land holdings;  4. distribution of surplus land among the landless labourers; and  5. cooperative farming.   * The Minimum Wages Act (1948), the Child Labour Prohibition and Regulation Act (1986), the Bonded Labour System Abolition Act (1976), the Trade Unions Act (1926), etc. have been enacted to protect the interests of the labor sections. * In 2006, the government banned the child labor. * The Maternity Benefit Act (1961) and the Equal Remuneration Act (1976) - to protect the interests of women workers. * Various measures to utilize the financial resources for promoting the common good. These include nationalization of life insurance (1956), the nationalization of fourteen leading commercial banks (1969), nationalization of general insurance (1971) etc. * The Legal Services Authorities Act (1987) has established a nation-wide network to provide free and competent legal aid to the poor and to organise lok adalats for promoting equal justice. * Lok adalat is a statutory forum for conciliatory settlement of legal disputes. It has been given the status of a civil court. Its awards are enforceable, binding on the parties and final as no appeal lies before any court against them. * Khadi and Village Industries Board, Khadi and Village Industries Commission, Small-Scale Industries Board, National Small Industries Corporation, Handloom Board, Handicrafts Board etc. have been set up for the development of cottage industries in rural areas. * The Community Development Programme (1952), Hill Area Development Programme (1960), Drought-Prone Area Programme (1973), Minimum Needs Programme (1974), Integrated Rural Development Programme (1978), Jawahar Rozgar Yojana (1989), MGNREGA (2006), etc., have been launched for raising the standard of living of people. * The Wildlife (Protection) Act, 1972 and the Forest (Conservation) Act, 1980, have been enacted. The Water and Air Acts have provided for the establishment of the Central and State Pollution Control Boards, which are engaged in the protection and improvement of environment. * The National Forest Policy (1988) aims at the protection, conservation and development of forests. * Agriculture has been modernized by providing improved agricultural inputs, etc. Various steps have also been taken to organize animal husbandry on modern and scientific lines. * Three-tier Panchayati raj system has been introduced by the 73rd Amendment Act (1992). * Seats are reserved for SCs, STs and other weaker sections in educational institutions, government services and representative bodies. * The Untouchability (Offences) Act, 1955, which was renamed as the Protection of Civil Rights Act in 1976 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, have been enacted. * The 65th Constitutional Amendment Act of 1990 established the National Commission for Scheduled Castes and Scheduled Tribes to protect the interests of SCs and STs. * The Criminal Procedure Code (1973) separated the judiciary from the executive in the public services of the state. * The Ancient and Historical Monument and Archaeological Sites and Remains Act (1951) has been enacted to protect the monuments, places and objects of national importance. * Primary health centers and hospitals have been established throughout the country. Also, special programmes have been launched to eradicate widespread diseases. * Laws to prohibit the slaughter of cows, calves, and bullocks have been enacted in some states. * Some states have initiated the old age pension schemes. * India has been following the policy of non-alignment and panchsheel to promote international peace and security. * In spite of the above steps by the Central and state governments, the Directive Principles have not been implemented fully and effectively due to several reasons like inadequate financial resources, unfavorable socio-economic conditions, population explosion, strained Centre-state relations, etc. | |
| **95. Which of the following are other directives apart from Directive Principles in Part 4?  1) Claims of SCs and STs to Services 2) Instruction in mother tongue during primary education 3) Development of the Hindi Language**  **a.** 1, 2 **b.** 1, 3 **c.** 2, 3 **d.** All of the above   |  | | --- | |  | | **ANSWER: All of the above**  **Explanation:** Apart from the Directives in Part IV, there are some other Directives in other parts of the Constitution.  **They are -**  1. **Claims of SCs and STs to Services -** The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or a State (Article 335 in Part XVI).  2. **Instruction in mother tongue -** It shall be the endeavour of every state and every local authority within the state to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups (Article 350-A in Part XVII).  3. **Development of the Hindi Language -** It shall be the duty of the Union to promote the spread of the Hindi language and to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India (Article 351 in Part XVII).   * The above Directives are also non-justiciable in nature. * However, they are also given equal importance and attention by the judiciary on the ground that all parts of the constitution must be read together. | |
| **96. Which of the following deal with the conflict between Fundamental Rights (FRs) and Directive Principles (DPSPs)?  1) Champakam Dorairajan case (1951) 2) Bommai case (1978) 3) 42nd Amendment Act (1976) 4) Minerva Mills case (1980)**  **a.** 1, 3, 4 **b.** 3, 4 **c.** 1, 3 **d.** All of the above   |  | | --- | |  | | **ANSWER: 1, 3, 4**  **Explanation:**   * The justiciability of Fundamental Rights and non-justiciability of Directive Principles on the one hand and moral obligation of State to implement Directive Principles (Article 37) have led to a conflict between the two since the commencement of the Constitution. * In the Champakam Dorairajan case (1951), the Supreme Court ruled that in case of any conflict between the Fundamental Rights and the Directive Principles, the former would prevail. * But, it also held that the Fundamental Rights could be amended by the Parliament by enacting constitutional amendments acts. * As a result, the Parliament made the 1st Amendment Act (1951), the 4th Amendment Act (1955) and the 17th Amendment Act (1964) to implement some of the Directives. * In the Golaknath case (1967) the Supreme Court ruled that the Parliament cannot take away or abridge any of the Fundamental Rights, which are ‘sacrosanct’ in nature. * In other words, the Court held that the Fundamental Rights cannot be amended for the implementation of the Directive Principles. * The Parliament reacted to the Supreme Court’s judgement by enacting the 24th Amendment Act (1971) and the 25th Amendment Act (1971). * The 24th Amendment Act declared that the Parliament has the power to abridge or take away any of the Fundamental Rights by enacting Constitutional Amendment Acts.   **The 25th Amendment Act inserted a new Article 31C which contained the following two provisions -**  1. No law which seeks to implement the socialistic Directive Principles specified in Article 39(b) and (c) shall be void on the ground of contravention of the Fundamental Rights conferred by Article 14 (equality before law and equal protection of laws), Article 19 (protection of six rights in respect of speech, assembly, movement, etc.) or Article 31 (right to property).  2. No law containing a declaration for giving effect to such policy shall be questioned in any court on the ground that it does not give effect to such a policy.   * In the Kesavananda Bharati case (1973), the Supreme Court declared the above second provision of Article 31C as unconstitutional and invalid on the ground that judicial review is a basic feature of the Constitution and hence, cannot be taken away. * However, the above first provision of Article 31C was held to be constitutional and valid. * Later, the 42nd Amendment Act (1976) extended the scope of the above first provision of Article 31C by including within its protection any law to implement any of the Directive Principles and not merely those specified in Article 39 (b) and (c). * In other words, the 42nd Amendment Act accorded the position of legal primacy and supremacy to the Directive Principles over the Fundamental Rights conferred by Articles 14, 19 and 31. * But, this extension was declared as unconstitutional and invalid by the Supreme Court in the Minerva Mills case (1980). * It means that the Directive Principles were once again made subordinate to the Fundamental Rights. * But the Fundamental Rights conferred by Article 14 and Article 19 were accepted as subordinate to the Directive Principles specified in Article 39 (b) and (c). * In the Minerva Mills case (1980), the Supreme Court also held that ‘…harmony and balance between FRS and DPSPs is an essential feature of the basic structure of the Constitution. The goals set out by the Directive Principles have to be achieved without the abrogation of the means provided by the Fundamental Rights’. * The present position is that the Fundamental Rights enjoy supremacy over the Directive Principles. * This does not mean that the Directive Principles cannot be implemented. * The Parliament can amend the Fundamental Rights for implementing the Directive Principles, so long as the amendment does not damage or destroy the basic structure of the Constitution. | |
| **97. What is the utility of Directive Principles? 1. Rigid constitution 2. Appointment of Governor 3. Integrated judiciary**  **a.** 1, 3 **b.** 1, 2 **c.** 2, 3 **d.** All of the above   |  | | --- | |  | | **ANSWER: 1, 2**  **Explanation:** **According to M C Setalvad, the former Attorney General of India, the Directive Principles, although confer no legal rights are significant in the following ways -** 1. They are like an ‘Instrument of Instructions’ or general recommendations addressed to all authorities in the Indian Union. 2. They remind them of the basic principles of the new social and economic order, which the Constitution aims at building. 3. They have served as useful beacon-lights to the courts. They have helped the courts in exercising their power of judicial review, that is, the power to determine the constitutional validity of a law. 4. They form the dominating background to all State action, legislative or executive and also a guide to the courts in some respects. 5. They amplify the Preamble, which solemnly resolves to secure to all citizens of India justice, liberty, equality and fraternity. **The Directives also play the following roles -** 1. They facilitate stability and continuity in domestic and foreign policies in political, economic and social spheres in spite of the changes of the party in power. 2. They are supplementary to the fundamental rights of the citizens. 3. They are intended to fill in the vacuum in Part III by providing for social and economic rights. 4. Their implementation creates a favorable atmosphere for the full and proper enjoyment of the fundamental rights by the citizens. 5. They enable the opposition to exercise influence and control over the operations of the government. 6. The Opposition can blame the ruling party on the ground that its activities are opposed to the Directives. 7. They serve as a crucial test for the performance of the government. The people can examine the policies and programmes of the government in the light of these constitutional declarations. 8. They serve as common political manifesto for political parties irrespective of their political ideology. | |