Testogram
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Aarohan UTS 2027

# This is what one test teaches you.

Every question from Polity I: Constitutional Framework is here, with the right answer and the reasoning behind it. Read the explanations, not the answer key. That is where the marks for the next test are.

Updated on 24 November 2026

## If this booklet reached you from a friend, the next one can carry your own answers.

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**A wrong answer you understand is worth more than a right one you guessed.**

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**1**

**With reference to the cession of Indian territory to a foreign State, consider the following statements:**

1. In the Berubari Union reference (1960), the Supreme Court held that the power of Parliament under Article 3 does not extend to ceding Indian territory to a foreign country.
2. Indian territory can be ceded to a foreign State only by an amendment of the Constitution under Article 368.
3. The Supreme Court later held that the settlement of a boundary dispute, which does not involve cession of territory, does not require a constitutional amendment.
4. The 100th Constitutional Amendment Act, 2015 gave effect to the exchange of enclaves under the India-Bangladesh Land Boundary Agreement.

**How many of the statements given above are correct?**

(a) Only one

(b) Only two

(c) Only three

**(d) All four ✓**

**Explanation**

**The correct answer is (d) All four. Each statement correctly states the constitutional position on cession of territory and boundary settlement.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. The Nehru-Noon Agreement (1958) provided for transferring part of Berubari Union (West Bengal) to Pakistan. On a Presidential reference under Article 143, the Supreme Court held (1960) that 'diminishing the area of a State' under Article 3 does not cover cession of national territory to a foreign country.

• Statement 2 - CORRECT. The Court said cession requires an amendment under Article 368. The 9th Amendment Act, 1960 was enacted for this purpose.

• Statement 3 - CORRECT. The Court ruled in 1969 that settling a boundary dispute between India and another country does not need a constitutional amendment: it can be done by executive action, because it involves demarcation of the boundary, not cession of Indian territory.

• Statement 4 - CORRECT. The 100th Amendment amended the First Schedule (the territories of Assam, West Bengal, Meghalaya and Tripura). Under the Agreement of 1974 and its 2011 Protocol, India transferred 111 enclaves to Bangladesh and received 51 enclaves.

TOPIC REVISION - SOVEREIGNTY AND TERRITORY

• The Preamble's 'sovereign' includes the power to acquire and to cede territory.

• Acquisition (for example Goa or Puducherry) is followed by including the territory in the First Schedule.

• Cession needs an Article 368 amendment, because it changes the territory of India itself (Article 1).

• Changing the boundaries between Indian States is an internal matter under Article 3.

KEY DISTINCTION

Three different questions: changing State boundaries within India (Article 3, simple majority); ceding territory to a foreign State (Article 368 amendment); and settling an unclear international boundary (executive action, no amendment).

**Territorial changes: which procedure?**

| Change | Procedure | Example |
|---|---|---|
| Reorganising States within India | Law under Art. 3 (simple majority) | States Reorganisation Act, 1956 |
| Ceding territory to a foreign State | Amendment under Art. 368 | 9th (1960), 100th (2015) |
| Settling a boundary dispute | Executive action | Demarcation without cession |

> Cession to a foreign country = Article 368 amendment (Berubari; 9th and 100th Amendments). Boundary settlement without cession = executive action.

**2** **With reference to the procedure for the reorganisation of States under Article 3, consider the following statements:**

1. A Bill under Article 3 can be introduced in Parliament only on the recommendation of the President.
2. Parliament is bound by the views expressed by the State Legislature to which the President refers the Bill.
3. When a Bill under Article 3 concerns only a Union Territory, it need not be referred to any legislature for its views.
4. A Bill under Article 3 must be passed by a special majority in each House of Parliament.

**How many of the statements given above are correct?**

(a) Only one

**(b) Only two ✓**

(c) Only three

(d) All four

**Explanation**

**The correct answer is (b) Only two. Statements 1 and 3 are correct. Statement 2 is wrong because the State Legislature's views are not binding on Parliament (or on the President). Statement 4 is wrong because such a Bill is passed by a simple majority, like an ordinary law.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. The proviso to Article 3 says no Bill for the purpose shall be introduced in either House except on the recommendation of the President.

• Statement 2 - WRONG, for the reason in the verdict. Before recommending the Bill, the President must refer it to the legislature of the affected State for its views within a specified period. Parliament may accept or reject those views, and may even pass the Bill if the views are not received in time. In Babulal Parate v. State of Bombay (1960), the Court held that a fresh reference is not needed every time Parliament amends the Bill.

• Statement 3 - CORRECT. The reference requirement applies only where the proposal affects the area, boundaries or name of a State. Union Territories are administered by the Centre, so no reference is needed for them.

• Statement 4 - WRONG, for the reason in the verdict. Article 4 makes it an ordinary law.

TOPIC REVISION - POWERS OF PARLIAMENT UNDER ARTICLE 3

Parliament may by law:

• form a new State by separating territory from any State, by uniting two or more States or parts of States, or by uniting any territory to a part of any State;

• increase the area of any State;

• diminish the area of any State;

• alter the boundaries of any State;

• alter the name of any State.

THE 18th AMENDMENT (1966)

It added explanations that 'State' in these clauses includes a Union Territory, and that the power to form a new State includes forming a new State or Union Territory by uniting a part of any State or Union Territory to another.

SIGNIFICANCE

This is why the Indian federation is called 'an indestructible Union of destructible States': the Union cannot be broken, but Parliament alone can redraw the States.

**Article 3 procedure**

| Step | Requirement |
|---|---|
| Introduction | Only on the President's recommendation |
| Reference to State Legislature | Required if a State is affected; views not binding |
| Majority in Parliament | Simple majority |
| Status under Art. 368 | Not an amendment (Art. 4) |

> Article 3 Bill: President's recommendation is mandatory; State views are sought but not binding; no reference for UTs; simple majority.

**The same mistake, made twice, is a habit. This is where you catch it the first time.**

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**3** **With reference to the reorganisation of States on a linguistic basis, consider the following statements:**

1. The Dhar Commission (1948) recommended reorganisation on the basis of administrative convenience rather than language.
2. The JVP Committee (1948-49) recommended language as the main basis for the reorganisation of States.
3. The Fazl Ali Commission accepted the theory of 'one language, one State'.
4. Andhra Pradesh was created in 1953 as the first State formed on a linguistic basis.

**How many of the statements given above are correct?**

**(a) Only one ✓**

(b) Only two

(c) Only three

(d) All four

**Explanation**

**The correct answer is (a) Only one. Only Statement 1 is correct. The JVP Committee rejected language as the basis; the Fazl Ali Commission rejected 'one language, one State'; and the State created in 1953 was ANDHRA State. Andhra Pradesh was formed only in 1956.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. The Linguistic Provinces Commission under S.K. Dhar (appointed June 1948) recommended reorganisation on the basis of administrative convenience rather than linguistic factors.
• Statement 2 - WRONG. The JVP Committee (Jawaharlal Nehru, Vallabhbhai Patel and Pattabhi Sitaramayya), appointed by the Congress in December 1948, formally rejected language as the basis for reorganisation in its report of April 1949.
• Statement 3 - WRONG. The Fazl Ali Commission (appointed December 1953; members Fazl Ali, K.M. Panikkar and H.N. Kunzru) broadly accepted language as a basis, but REJECTED the theory of 'one language, one State'. It stressed national unity, administrative, economic and financial viability, and the welfare of the people.
• Statement 4 - WRONG. After Potti Sriramulu died in December 1952 following a prolonged fast, the government created Andhra State in October 1953 out of the Telugu-speaking areas of Madras State. Andhra Pradesh was formed on 1 November 1956 by merging the Telugu-speaking areas of Hyderabad State into Andhra State.

TOPIC REVISION - THE STATES REORGANISATION ACT, 1956

• Based on the Fazl Ali Commission's report (1955), with modifications.
• Together with the 7th Amendment (1956), it abolished the distinction between Part A, Part B, Part C and Part D States.
• It created 14 States and 6 Union Territories with effect from 1 November 1956.

LATER REORGANISATIONS (selected)

• 1960: Maharashtra and Gujarat (from Bombay State).
• 1963: Nagaland. 1966: Haryana (from Punjab, on the Shah Commission's recommendation).
• 1987: Mizoram, Arunachal Pradesh and Goa.
• 2000: Chhattisgarh, Uttarakhand, Jharkhand. 2014: Telangana.

**Bodies on reorganisation of States**

| Body | Year | View on language |
|---|---|---|
| Dhar Commission | 1948 | Administrative convenience preferred |
| JVP Committee | 1948-49 | Rejected language as basis |
| Fazl Ali Commission | 1953-55 | Language a factor; rejected 'one language, one State' |

> Dhar and JVP both rejected language; Fazl Ali accepted language but not 'one language, one State'. 1953 = Andhra State; 1956 = Andhra Pradesh.

**4**

**With reference to Articles 1 to 4 of the Constitution of India, consider the following statements:**

1. The expression 'territory of India' is wider than 'Union of India', as it also includes Union Territories and territories that may be acquired.
2. Article 2 deals with the admission or establishment of new States that are not part of the Union, while Article 3 deals with the reorganisation of existing States.
3. A law made under Article 3 to alter the boundaries of a State is deemed to be an amendment of the Constitution under Article 368.
4. As a sovereign State, India can acquire foreign territory by means recognised in international law, such as cession or occupation.

**How many of the statements given above are correct?**

(a) Only one

(b) Only two

**(c) Only three ✓**

(d) All four

**Reading a solution shows you the answer. Sitting the test shows you yourself.**

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**Explanation**

**The correct answer is (c) Only three. Statements 1, 2 and 4 are correct. Statement 3 is wrong: Article 4 expressly declares that laws made under Articles 2 and 3 are NOT amendments of the Constitution for the purposes of Article 368, even though they amend the First and Fourth Schedules.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. Article 1(1) says India, that is Bharat, shall be a Union of States. Article 1(3) says the territory of India comprises (a) the territories of the States, (b) the Union Territories specified in the First Schedule, and (c) such other territories as may be acquired. The 'Union of India' covers only the States, which share powers with the Centre; the 'territory of India' covers all three categories.

• Statement 2 - CORRECT. Article 2 empowers Parliament, by law, to admit into the Union or establish new States on such terms as it thinks fit - it concerns territories not already part of India (Sikkim is the example). Article 3 concerns the formation of new States out of existing ones and changes in their areas, boundaries or names.

• Statement 3 - WRONG, for the reason in the verdict. Such laws need only a simple majority and the ordinary legislative process.

• Statement 4 - CORRECT. India acquired Dadra and Nagar Haveli (1954, by liberation), Goa, Daman and Diu (1961, by military action) and Puducherry (by cession from France, de facto 1954, de jure 1962). These were added to the First Schedule through the 10th, 12th and 14th Amendments.

TOPIC REVISION - PART I OF THE CONSTITUTION

• Article 1: name and territory of the Union.
• Article 2: admission or establishment of new States.
• Article 2A: Sikkim as an associate State (35th Amendment, 1974) - repealed by the 36th Amendment (1975).
• Article 3: formation of new States and alteration of areas, boundaries or names.
• Article 4: laws under Articles 2 and 3 to amend the First and Fourth Schedules; not Article 368 amendments.

WHY 'UNION OF STATES'

Dr. Ambedkar explained that the Indian federation is not the result of an agreement among States, and no State has the right to secede from it.

**Part I: Articles 1 to 4**

| Article | Subject |
|---|---|
| 1 | Name and territory of the Union |
| 2 | Admission or establishment of new States |
| 3 | Formation of new States; alteration of areas, boundaries, names |
| 4 | Such laws amend Schedules 1 and 4; not Art. 368 amendments |

> Territory of India = States + UTs + acquired territories; Union of India = States only. Article 4: laws under Articles 2-3 are not Article 368 amendments.

**5** **In the following question, an Assertion (A) is followed by a Reason (R). Select the correct option from the codes given below.**

**Assertion (A):** An Indian citizen who voluntarily acquires the citizenship of another country ceases to be a citizen of India.

**Reason (R):** The Citizenship Act provides for the registration of eligible foreign nationals of Indian origin as Overseas Citizens of India.

(a) Both A and R are true and R is the correct explanation of A

**(b) Both A and R are true but R is NOT the correct explanation of A ✓**

(c) A is true but R is false

(d) A is false but R is true

**Whoever sent you this knows their strengths, understands their gaps, and knows where they're headed. They're preparing with clarity and confidence—not fear. They know their edge. You can too.**

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**Explanation**

**The correct answer is (B): both A and R are true, but R is not the correct explanation of A. A follows from the rule against dual citizenship (Section 9 of the Act and Article 9). The OCI scheme is a separate arrangement that benefits people who are already foreign nationals.**

ASSERTION - TRUE

• Section 9 of the Citizenship Act provides that a citizen who, by naturalisation, registration or otherwise, voluntarily acquires the citizenship of another country ceases to be a citizen of India from that date. This is termination by operation of law.
• The rule does not apply during a war in which India is engaged, until the Central Government directs otherwise.
• Article 9 applies the same principle to citizens at the commencement of the Constitution.

REASON - TRUE, BUT IT DOES NOT EXPLAIN A

• Sections 7A to 7D, inserted in 2005, provide for OCI registration. In 2015 the PIO card was merged into it.
• OCI is a benefit available to people AFTER they have become foreign nationals. It does not explain why they lose Indian citizenship; the reason for that is India's policy of single citizenship and its refusal to allow dual citizenship.

TOPIC REVISION - TERMINATION vs RENUNCIATION vs DEPRIVATION

• Renunciation (Section 8): a voluntary declaration by the citizen.
• Termination (Section 9): automatic, on voluntarily acquiring foreign citizenship.
• Deprivation (Section 10): an order of the Central Government on specified grounds, applying to citizens by naturalisation or registration (and some others), not citizens by birth.

WHAT OCI DOES AND DOES NOT GIVE

• It gives a lifelong multiple-entry visa and certain economic, financial and educational rights.
• It does not give voting rights, membership of legislatures, the right to public employment under Article 16, or eligibility for constitutional offices such as President, Vice-President or judges.

HOW TO APPROACH SUCH A-R QUESTIONS

Both statements here relate to Indians who acquire foreign citizenship, which tempts candidates to choose (A). Ask whether R gives the reason for A; here it describes a consequence, not a cause.

> Loss of citizenship on acquiring another = Section 9 / Article 9 (no dual citizenship). OCI is a later benefit for foreign nationals, not the reason for termination.

**6** **In the following question, an Assertion (A) is followed by a Reason (R). Select the correct option from the codes given below.**

**Assertion (A):** Indian citizenship can be acquired by registration only by a person who is of Indian origin.

**Reason (R):** A person married to a citizen of India who has been ordinarily resident in India for seven years before applying can be registered as a citizen of India.

(a) Both A and R are true and R is the correct explanation of A

(b) Both A and R are true but R is NOT the correct explanation of A

(c) A is true but R is false

**(d) A is false but R is true ✓**

**Explanation**

**The correct answer is (D): A is false, but R is true. Section 5 allows registration of several categories of persons, not only those of Indian origin. A person married to an Indian citizen (R) is one such category, whatever his or her own origin.**

ASSERTION - FALSE

• Section 5(1) of the Citizenship Act allows the Central Government to register as a citizen any person (not being an illegal migrant) who belongs to one of these categories:
- a person of Indian origin ordinarily resident in India for seven years before applying;
- a person of Indian origin ordinarily resident in any country outside undivided India;
- a person married to a citizen of India and ordinarily resident in India for seven years before applying;
- minor children of persons who are citizens of India;
- a person of full age and capacity whose parents are registered as citizens of India;
- a person of full age and capacity who, or either of whose parents, was earlier a citizen of independent India, and who has been ordinarily resident in India for one year before applying;
- a person of full age and capacity who has been registered as an OCI cardholder for five years and has been ordinarily resident in India for one year before applying.
• So Indian origin is only one of several routes.

REASON - TRUE

• The marriage route under Section 5(1)(c) requires seven years of ordinary residence in India before applying.
• All persons registered must take the oath of allegiance in the Second Schedule.

TOPIC REVISION - 'PERSON OF INDIAN ORIGIN'

Under the Act, a person is of Indian origin if he, or either of his parents, was born in undivided India or in territory that became part of India after 15 August 1947.

REGISTRATION vs NATURALISATION

Registration is for people with a recognised link to India (origin, marriage, parentage or OCI status). Naturalisation is for any foreigner, and generally needs about twelve years of residence.

**Main routes to citizenship by registration (Section 5)**

| Category | Residence condition |
|---|---|
| Person of Indian origin in India | 7 years ordinary residence |
| Spouse of an Indian citizen | 7 years ordinary residence |
| Minor child of an Indian citizen | None specified |
| OCI cardholder | Registered 5 years + 1 year residence |

> Registration (Section 5) has several routes - Indian origin, marriage (7 years), minor children, parentage, OCI (5 years). Indian origin is not essential.

**7** With reference to citizenship under the Constitution of India, which one of the following statements is correct?

(a) India follows a system of dual citizenship, with separate Union and State citizenship

**(b) Citizenship is a Union List subject on which only Parliament can make laws ✓**

(c) A State may confer its own citizenship with special rights on its domiciles

(d) Article 9 permits a citizen to hold the citizenship of a foreign country too

**The exam will ask what you avoided. Find out what that is while it still costs nothing.**

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**Explanation**

**The correct answer is (b). 'Citizenship, naturalisation and aliens' is Entry 17 of the Union List, and Article 11 gives Parliament the power to regulate citizenship. States have no power to legislate on it.**

OPTION-WISE ANALYSIS

• Option (a) - WRONG. Although India is federal, it has single citizenship: all citizens, irrespective of the State in which they are born or live, enjoy the same political and civil rights of citizenship throughout the country. Federal countries such as the USA have dual citizenship (federal and State).
• Option (b) - CORRECT, for the reason in the verdict.
• Option (c) - WRONG. There is no State citizenship. Some domicile-based benefits exist - for example, special provisions for certain States under Article 371 - but these are not a separate citizenship.
• Option (d) - WRONG. Article 9 says the opposite: a person who voluntarily acquires the citizenship of a foreign State is not a citizen of India under Articles 5, 6 or 8. Section 9 of the Citizenship Act applies the same rule after the commencement of the Constitution.

TOPIC REVISION - SINGLE CITIZENSHIP

• Borrowed from the British Constitution.
• It promotes fraternity and the unity and integrity of the nation, as the Preamble envisages.
• It is one of the unitary features of the Constitution, along with an integrated judiciary, All-India Services and a single Constitution for the Union and the States.

QUALIFICATIONS TO THE RULE

• Article 16(3) allows Parliament to prescribe residence requirements for certain State and local employment.
• Articles 15 and 16 do not forbid all regional preferences, and courts have upheld some domicile-based reservations in education.

These are exceptions within one citizenship, not a second citizenship.

OVERSEAS CITIZENS

OCI registration gives certain benefits to foreign nationals of Indian origin, but is not citizenship.

**Single vs dual citizenship**

| Aspect | India | USA |
|---|---|---|
| Type | Single citizenship | Dual (federal and State) |
| Law-making on citizenship | Parliament only | Federal law (with State-level rights) |
| Source of model | Britain | - |

India = single citizenship (British model), even though it is federal. Citizenship = Union List Entry 17 and Article 11. OCI is not dual citizenship.

**8** **Which one of the following Fundamental Rights is available to foreigners as well as to citizens of India?**

(a) Protection against discrimination on grounds of religion, race, caste, sex or place of birth (Article 15)

**(b) Protection of life and personal liberty against deprivation except by procedure established by law (Article 21) ✓**

(c) The freedom of speech and expression and the freedom to move freely throughout India (Article 19)

(d) Protection of the interests of minorities in conserving their distinct language, script or culture (Article 29)

**Explanation**

**The correct answer is (b). Article 21 protects every 'person', whether a citizen or a foreigner. The rights in Articles 15, 19 and 29 are available only to citizens.**

OPTION-WISE ANALYSIS

• Option (a) - WRONG. Article 15 says 'The State shall not discriminate against any citizen', so it is limited to citizens.

• Option (b) - CORRECT, for the reason in the verdict. Article 21 begins 'No person shall be deprived...'. The courts have applied it to foreign nationals, including in matters of fair procedure and humane treatment.

• Option (c) - WRONG. Article 19 confers its six freedoms on 'all citizens'. Foreigners, and also corporations, cannot claim them.

• Option (d) - WRONG. Article 29(1) protects 'any section of the citizens' having a distinct language, script or culture.

TOPIC REVISION - RIGHTS ONLY FOR CITIZENS

• Fundamental Rights: Articles 15, 16, 19, 29 and 30.

• The right to vote in elections to the Lok Sabha and State Assemblies (Article 326).

• The right to become a member of Parliament or a State Legislature.

• Eligibility for offices such as President, Vice-President, judges of the Supreme Court and High Courts, Governor, Attorney General and Advocate General.

RIGHTS FOR ALL PERSONS

• Articles 14, 20, 21, 21A, 22, 23, 24, 25, 26, 27 and 28.

• Exception: Article 22's safeguards against arbitrary arrest do not apply to enemy aliens.

WHY THE DISTINCTION

Rights tied to political membership and to the economic and cultural life of the nation (such as Article 19 freedoms and public employment) are kept for citizens. Rights protecting basic human dignity and fair treatment (such as Articles 14 and 21) are extended to everyone within India's territory.

DUTIES TOO

The Fundamental Duties in Article 51A are addressed to citizens.

**Who can claim which Fundamental Right**

| Available to | Articles |
|---|---|
| Citizens only | 15, 16, 19, 29, 30 |
| All persons (citizens and foreigners) | 14, 20, 21, 21A, 22, 23, 24, 25-28 |
| Not to enemy aliens | 22 (safeguards on arrest and detention) |

> Citizens only: Articles 15, 16, 19, 29, 30. All persons: Articles 14, 20, 21, 21A, 22-28 (Article 22 not for enemy aliens).

**Every explanation here was written to teach, not to justify an answer key.**

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**9** Under the Third Schedule of the Citizenship Act, 1955, which one of the following is the general residence requirement for a foreigner applying for citizenship by naturalisation?

**(a) Residence for the twelve months before applying, plus eleven years in the fourteen years before that ✓**

(b) Residence in India for any five years, whether continuous or not, at any time before making the application

(c) Continuous residence in India for seven years immediately before the date on which the application is made

(d) Residence in India for ten years, of which at least the last two must be immediately before applying

**Explanation**

**The correct answer is (a). Clause (c) of the Third Schedule requires residence in India (or service under the Government of India) throughout the twelve months before the application, and clause (d) requires an aggregate of at least eleven years during the fourteen years before that.**

OPTION-WISE ANALYSIS

• Option (a) - CORRECT, for the reason in the verdict. This is often summarised as 'twelve years of residence'. The Central Government may relax the twelve-month period by up to 30 days.
• Option (b) - WRONG. Five years in aggregate is the special rule (read into the Third Schedule) for persons of the Hindu, Sikh, Buddhist, Jain, Parsi or Christian communities from Afghanistan, Bangladesh or Pakistan - not the general requirement.
• Option (c) - WRONG. Seven years of ordinary residence is the requirement for REGISTRATION of certain persons (for example persons of Indian origin, or persons married to Indian citizens) under Section 5, not for naturalisation.
• Option (d) - WRONG. This combination does not appear in the Act.

TOPIC REVISION - OTHER CONDITIONS FOR NATURALISATION

• The applicant must not be a subject of a country where Indians are barred from naturalisation.
• He must have renounced the citizenship of the other country.
• He must be of good character and have adequate knowledge of a language in the Eighth Schedule.
• He must intend to reside in India, or to serve the Government of India or an international organisation of which India is a member.
• He must take the oath of allegiance in the Second Schedule.
• The Government may waive conditions for a person who has rendered distinguished service to science, philosophy, art, literature, world peace or human progress.

REGISTRATION vs NATURALISATION

• Registration (Section 5) is for persons with a link to India - origin, marriage or parentage - and needs shorter residence.
• Naturalisation (Section 6) is for any foreigner of full age and capacity, with no such link, and needs longer residence.

**Residence requirements compared**

| Route | Typical residence requirement |
|---|---|
| Naturalisation (general) | 12 months + 11 of the preceding 14 years |
| Naturalisation (specified communities from three countries) | 12 months + 5 years |
| Registration (Indian origin / marriage) | 7 years ordinary residence |

Naturalisation: 12 months immediately before + 11 of the preceding 14 years. Registration (e.g. marriage): 7 years. Five years: only the special rule for specified communities.

**Well prepared is not the same as competitive. Know which one you are.**

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**10** **With reference to the loss of Indian citizenship under the Citizenship Act, 1955, consider the following statements:**

1. When a citizen renounces Indian citizenship, his minor child also ceases to be a citizen, but may resume Indian citizenship within one year of attaining full age.
2. Termination of citizenship on voluntarily acquiring the citizenship of another country applies even during a war in which India is engaged.
3. The Central Government may deprive a citizen of citizenship if he has shown disloyalty or disaffection towards the Constitution of India.
4. A person who is a citizen of India by birth can be deprived of citizenship on the ground of continuous residence outside India for seven years.

**How many of the statements given above are correct?**

| | |
|---|---|
| (a) Only one | **(b) Only two ✓** |
| (c) Only three | (d) All four |

**Explanation**

**The correct answer is (b) Only two. Statements 1 and 3 are correct. Statement 2 is wrong because Section 9 does not apply during a war in which India is engaged, until the Central Government directs otherwise. Statement 4 is wrong because deprivation under Section 10 applies only to citizens by naturalisation, registration (with some exceptions) or by Article 5(c) - not to citizens by birth.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. Under Section 8, a citizen of full age and capacity may renounce citizenship by a declaration. Every minor child of that person also ceases to be a citizen, but may, within one year of attaining full age, declare that he wishes to resume Indian citizenship. During a war in which India is engaged, registration of a renunciation may be withheld.

• Statement 2 - WRONG, for the reason in the verdict. Termination under Section 9 is automatic in peacetime. This rule gives effect to the principle that India does not allow dual citizenship.

• Statement 3 - CORRECT. Deprivation is a compulsory termination by order of the Central Government. Section 10(2) lists the grounds:

- citizenship obtained by fraud, false representation or concealment of a material fact;
- disloyalty or disaffection towards the Constitution;
- unlawful trading or communication with an enemy during a war;
- imprisonment of at least two years in any country within five years of registration or naturalisation;
- continuous ordinary residence outside India for seven years (with exceptions for students, government service and those who register annually at an Indian consulate).

The Government must also be satisfied that continued citizenship is not conducive to the public good.

• Statement 4 - WRONG, for the reason in the verdict.

KEY DISTINCTION

• Renunciation: voluntary act of the citizen.
• Termination: automatic, by operation of law, on acquiring foreign citizenship.
• Deprivation: an order of the Central Government, after an inquiry where the person so requests.

CONSTITUTIONAL LINK

Article 9 applies the same 'no dual citizenship' principle to citizens at the commencement of the Constitution, and Article 11 allows Parliament to enact these rules.

**Three modes of losing citizenship**

| Mode | Section | Nature |
|---|---|---|
| Renunciation | 8 | Voluntary declaration by the citizen |
| Termination | 9 | Automatic on acquiring foreign citizenship |
| Deprivation | 10 | Order of the Central Government on specified grounds |

Renunciation (voluntary), termination (automatic; suspended in wartime) and deprivation (by Central Government; not for citizens by birth). The seven-year residence ground is under Section 10.

**11** **With reference to the acquisition of citizenship by birth and by descent under the Citizenship Act, 1955, consider the following statements:**

1. A person born in India on or after 26 January 1950 but before 1 July 1987 is a citizen of India by birth, irrespective of the nationality of his parents.
2. A person born in India after the commencement of the Citizenship (Amendment) Act, 2003 is a citizen by birth only if both parents are Indian citizens, or one parent is an Indian citizen and the other is not an illegal migrant.
3. A person born outside India before 10 December 1992 is a citizen of India by descent if either of his parents was a citizen of India at the time of his birth.

**Which of the statements given above is/are correct?**

| | |
|---|---|
| **(a) 1 and 2 only ✓** | (b) 2 and 3 only |
| (c) 1 and 3 only | (d) 1, 2 and 3 |

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**Explanation**

**The correct answer is (a) 1 and 2 only. Statement 3 is wrong: for a person born outside India before 10 December 1992, citizenship by descent depended on the FATHER being an Indian citizen. Only for births on or after 10 December 1992 is either parent's citizenship enough.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. Under Section 3(1)(a), birth in India during this period was enough by itself (with narrow exceptions, such as children of foreign diplomats and of enemy aliens born in occupied territory).

• Statement 2 - CORRECT. The rules were tightened in two stages:

- for births from 1 July 1987 until the 2003 Amendment came into force (3 December 2004), either parent had to be an Indian citizen (Section 3(1)(b));

- for births after that, both parents must be citizens, or one must be a citizen and the other not an illegal migrant (Section 3(1)(c)).

The changes responded to concerns about illegal migration.

• Statement 3 - WRONG, for the reason in the verdict. Section 4(1) was amended in 1992 to remove this gender discrimination. Where a parent is a citizen by descent only, the birth must generally be registered at an Indian consulate within one year.

TOPIC REVISION - FIVE WAYS OF ACQUIRING CITIZENSHIP

• Birth (Section 3).

• Descent (Section 4).

• Registration (Section 5): for example persons of Indian origin, persons married to Indian citizens, minor children of citizens, and OCI cardholders, subject to residence conditions.

• Naturalisation (Section 6 and the Third Schedule).

• Incorporation of territory (Section 7), as when Goa or Puducherry became part of India.

THREE WAYS OF LOSING IT

Renunciation (Section 8), termination (Section 9) and deprivation (Section 10).

WHY IT MATTERS

Citizenship by birth in India has moved from a broad 'jus soli' rule (citizenship by place of birth) to a rule that also looks at the parents' citizenship ('jus sanguinis').

**Citizenship by birth in India (Section 3)**

| Date of birth | Condition |
|---|---|
| 26 Jan 1950 - 30 June 1987 | Birth in India is enough |
| 1 July 1987 - 2 Dec 2004 | Either parent an Indian citizen |
| On or after 3 Dec 2004 | Both parents citizens, or one citizen and the other not an illegal migrant |

> Birth: up to 1 July 1987 - place of birth alone; then one citizen parent; after 3 Dec 2004 - both parents, or one plus a non-illegal-migrant. Descent before 10 Dec 1992 - father only.

**12** **With reference to Overseas Citizens of India (OCI) cardholders, consider the following statements:**

1. An OCI cardholder cannot be registered as a voter.
2. Registration as an OCI cardholder amounts to dual citizenship of India and another country.
3. OCI cardholders are entitled to equality of opportunity in public employment under Article 16.
4. An OCI cardholder can be appointed a judge of a High Court.

**How many of the statements given above are correct?**

**(a) Only one ✓** | (b) Only two

(c) Only three | (d) All four

**Explanation**

**The correct answer is (a) Only one. Only Statement 1 is correct. OCI registration is not dual citizenship, and under Section 7B(2) an OCI cardholder has no right to equality of opportunity in public employment and cannot be appointed a judge of the Supreme Court or a High Court.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. Section 7B(2) of the Citizenship Act excludes OCI cardholders from registration as voters under the Representation of the People Act, 1950.
• Statement 2 - WRONG. An OCI cardholder remains a foreign national. India does not allow dual citizenship: a citizen who voluntarily acquires foreign citizenship loses Indian citizenship (Section 9 of the Act and Article 9 of the Constitution). OCI is a form of registration that gives certain benefits.
• Statement 3 - WRONG. Section 7B(2) specifically denies rights under Article 16.
• Statement 4 - WRONG. Section 7B(2) also denies eligibility for appointment as a judge of the Supreme Court or a High Court (Articles 124 and 217).

TOPIC REVISION - THE OCI SCHEME

• Introduced by the Citizenship (Amendment) Act, 2005, which inserted Sections 7A to 7D.
• In 2015, the Person of Indian Origin (PIO) card scheme was merged into the OCI cardholder scheme.
• Eligible: foreign nationals who were, or were eligible to become, Indian citizens on or after 26 January 1950, or who belonged to a territory that became part of India after 15 August 1947, and their children and grandchildren, among others. Persons who are or were citizens of Pakistan or Bangladesh are excluded.

WHAT OCI CARDHOLDERS CANNOT DO (Section 7B(2))

• Claim equality of opportunity in public employment (Article 16).
• Be elected President or Vice-President.
• Be appointed a judge of the Supreme Court or a High Court.
• Register as voters or become members of Parliament or State Legislatures.
• Hold public service posts, except those the Central Government specifies.

WHAT THEY GET

A multiple-entry, multi-purpose lifelong visa, and rights notified by the Central Government in economic, financial and educational fields.

**Citizen vs OCI cardholder**

| Right | Citizen | OCI cardholder |
|---|---|---|
| Vote and contest elections | Yes | No |
| Equality of opportunity in public employment (Art. 16) | Yes | No |
| Appointment as SC/HC judge | Yes (if qualified) | No |
| Lifelong multiple-entry visa | Not needed | Yes |

OCI is not dual citizenship. Section 7B(2) bars OCI cardholders from voting, legislatures, Article 16 public employment, and the offices of President, Vice-President and higher judiciary.

**A limited number of places. One honest question: are you holding yours?**

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**13** **With reference to the provisions on citizenship in Part II of the Constitution of India, consider the following statements:**

1. The provisions of Articles 5 to 9 came into force on 26 November 1949, before the rest of the Constitution.
2. A person who migrated to India from Pakistan before 19 July 1948 and had since been ordinarily resident in India was deemed a citizen, provided he or either of his parents or any of his grandparents was born in undivided India.
3. Article 11 empowers Parliament to make any provision with respect to the acquisition and termination of citizenship.
4. Part II lays down detailed rules for acquiring citizenship after the commencement of the Constitution.

**How many of the statements given above are correct?**

(a) Only one

(b) Only two

**(c) Only three ✓**

(d) All four

**The exam ranks everyone together, whatever language they write in. So does this.**

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**Explanation**

**The correct answer is (c) Only three. Statements 1, 2 and 3 are correct. Statement 4 is wrong: Part II only identifies who were citizens at the commencement of the Constitution. Acquisition and loss of citizenship after that date are left to Parliament, which enacted the Citizenship Act, 1955.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. Under Article 394, the citizenship provisions, along with those on elections, the provisional Parliament and temporary and transitional provisions, came into force on 26 November 1949. This allowed citizens to be identified before the first elections.

• Statement 2 - CORRECT. Article 6 covers migrants from Pakistan. Those who came before 19 July 1948 and had been ordinarily resident since then became citizens automatically. Those who came on or after that date had to be registered, after residing in India for at least six months before applying. In both cases, the person or either parent or any grandparent must have been born in India as defined in the Government of India Act, 1935.

• Statement 3 - CORRECT. Article 11 gives Parliament the power to regulate citizenship by law, and nothing in Articles 5 to 10 limits it.

• Statement 4 - WRONG, for the reason in the verdict.

TOPIC REVISION - ARTICLES 5 TO 11

• Article 5: citizenship at commencement for persons domiciled in India who were born in India, or either of whose parents was born in India, or who had been ordinarily resident in India for at least five years.

• Article 6: migrants from Pakistan.

• Article 7: persons who migrated to Pakistan after 1 March 1947 are not citizens, unless they returned under a permit for resettlement.

• Article 8: persons of Indian origin residing outside India, registered by Indian diplomatic or consular representatives.

• Article 9: no person is a citizen under Articles 5, 6 or 8 if he has voluntarily acquired the citizenship of a foreign State.

• Article 10: continuance of citizenship, subject to any law made by Parliament.

• Article 11: Parliament to regulate citizenship by law.

WHY THE FRAMERS LEFT THE REST TO PARLIAMENT

The situation after Partition was fluid, and the framers preferred to deal only with the immediate question of who were citizens on 26 January 1950, leaving long-term rules to legislation.

**Articles 5 to 11 at a glance**

| Article | Covers |
|---|---|
| 5 | Domiciled persons at commencement |
| 6 | Migrants from Pakistan (cut-off 19 July 1948) |
| 7 | Migrants to Pakistan after 1 March 1947 |
| 8 | Persons of Indian origin abroad |
| 9 | Voluntary acquisition of foreign citizenship |
| 10-11 | Continuance; Parliament to regulate |

Part II = citizenship at commencement only; later acquisition and loss = Citizenship Act, 1955 (Article 11). Article 6 cut-off: 19 July 1948. Article 7 cut-off: 1 March 1947.

**14** **In the following question, an Assertion (A) is followed by a Reason (R). Select the correct option from the codes given below.**

**Assertion (A):** The Government of India Act, 1935 introduced responsible government in the provinces.

**Reason (R):** Under the 1935 Act, the provincial Governor was bound to act on the advice of his ministers in all matters.

(a) Both A and R are true and R is the correct explanation of A

(b) Both A and R are true but R is NOT the correct explanation of A

**(c) A is true but R is false ✓**

(d) A is false but R is true

**Explanation**

**The correct answer is (C): A is true, but R is false. The 1935 Act made the Governor generally act on ministerial advice, but kept important exceptions: matters in his discretion and his 'special responsibilities', in which he could act on his own judgement.**

ASSERTION - TRUE

• The 1935 Act abolished provincial dyarchy and introduced 'provincial autonomy'. Provinces were treated as autonomous units of administration in their own defined spheres. Ministers were responsible to the provincial legislature, and the provincial legislature controlled a wide range of subjects. Responsible ministries took office in 1937.

REASON - FALSE

• The Governor was the Crown's representative and kept substantial powers. In matters left to his 'discretion', he did not even need to consult ministers. In matters of his 'individual judgement' (special responsibilities - such as preventing a grave menace to peace, safeguarding the legitimate interests of minorities and protecting the rights of civil servants), he consulted ministers but was not bound by their advice.
• The Governor could also issue ordinances, pass Governor's Acts, and under Section 93 take over the administration of a province if constitutional machinery failed.

LINK TO THE CONSTITUTION

• Article 163 continues the idea of a Governor acting on ministerial advice except where the Constitution requires him to act in his discretion.
• Article 356 (President's Rule) is the successor of Section 93 of the 1935 Act. Dr. Ambedkar hoped it would remain a 'dead letter'.
• Articles 163(2) and 200 (reservation of Bills) show the continuity of gubernatorial discretion.

KEY DISTINCTION

'Responsible government' in 1935 was real but qualified: ministers were responsible to the legislature, yet the Governor was not a purely constitutional head. Under the Constitution, the President is bound by advice (Article 74), while the Governor retains a limited constitutional discretion.

**Governor's powers under the 1935 Act**

| Category | Role of ministers |
|---|---|
| Ordinary matters | Governor acts on ministers' advice |
| Individual judgement (special responsibilities) | Consulted, but advice not binding |
| Discretion | Not consulted |

> Provincial autonomy (1935) brought responsible ministers, but the Governor kept discretion and special responsibilities. Section 93 is the ancestor of Article 356.

**15** **In the following question, an Assertion (A) is followed by a Reason (R). Select the correct option from the codes given below.**

**Assertion (A):** Dyarchy introduced in the provinces by the Government of India Act, 1919 largely failed to work as intended.

**Reason (R):** Ministers in charge of transferred subjects had little control over finance, which was a reserved subject, and the Governor could override them.

**(a) Both A and R are true and R is the correct explanation of A ✓**

(b) Both A and R are true but R is NOT the correct explanation of A

(c) A is true but R is false

(d) A is false but R is true

**Write in your language. Be ranked against everyone. Nothing here is measured in a smaller room.**

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**Explanation**

**The correct answer is (A): both A and R are true, and R correctly explains A. Responsible ministers without control of the purse or the services could not govern effectively, which is the main reason dyarchy failed.**

ASSERTION - TRUE

• Dyarchy was criticised by Indian leaders and by official reviews. The Simon Commission (1927-30) recommended its abolition and the introduction of responsible government in the provinces. The 1935 Act replaced it with provincial autonomy.

REASON - TRUE, AND IT EXPLAINS A

• Finance was a reserved subject in the provinces, administered by the Governor and his executive council. Ministers handling transferred subjects such as education, health and local self-government depended on the reserved side for funds.

• The Governor could overrule ministers, and the civil services (recruited by the Secretary of State) were not answerable to them.

• The division of subjects was often illogical - for instance, agriculture was transferred but irrigation was reserved - which produced friction between the two halves of the government.

• These structural flaws, rather than the ability of individual ministers, explain why dyarchy did not deliver responsible government.

TOPIC REVISION - FROM DYARCHY TO PROVINCIAL AUTONOMY

• 1919: dyarchy in the major provinces; bicameralism and direct elections at the Centre.

• 1927: the Simon Commission (all-British) was appointed and boycotted.

• 1935: dyarchy abolished in the provinces; provincial autonomy introduced; dyarchy proposed at the Centre but never implemented.

• 1937: elections under the 1935 Act; Congress ministries formed in most provinces; they resigned in 1939 over India being dragged into the Second World War without consultation.

WHY IT MATTERS FOR THE CONSTITUTION

The experience of dyarchy showed that responsibility without control of finance and administration is illusory. The Constitution therefore makes the whole Council of Ministers collectively responsible to the elected House.

> Dyarchy failed mainly because finance was reserved and the Governor could override ministers. It was abolished in 1935 (provincial autonomy), not in 1919.

**16** **With reference to the Indian Independence Act, 1947, which one of the following statements is correct?**

(a) It kept for the British Monarch the power to veto Bills passed by the dominion legislatures

(b) It required every princely state to accede to either India or Pakistan by 15 August 1947

**(c) It abolished the office of the Secretary of State for India and transferred his functions** ✓

(d) It made the Constituent Assembly's power to frame a constitution subject to British approval

**Explanation**

**The correct answer is (c). The Act abolished the office of the Secretary of State for India and transferred his functions to the Secretary of State for Commonwealth Affairs.**

OPTION-WISE ANALYSIS

• Option (a) - WRONG. The Act deprived the British Monarch of the right to veto Bills or to ask for Bills to be reserved for his approval. That right was vested in the Governor-General of each dominion, who could assent to Bills in the King's name.

• Option (b) - WRONG. The Act ended British paramountcy over the princely states. They were free to join India or Pakistan or to remain independent; accession happened through Instruments of Accession signed by the rulers, not by a legal deadline in the Act.

• Option (c) - CORRECT, for the reason in the verdict.

• Option (d) - WRONG. The Constituent Assemblies of both dominions were empowered to frame and adopt any constitution, and even to repeal any Act of the British Parliament, including the Independence Act itself. Until new constitutions were ready, they also served as the dominion legislatures.

TOPIC REVISION - OTHER PROVISIONS

• It ended British rule and declared India independent from 15 August 1947.

• It partitioned British India into two dominions, India and Pakistan, with the right to leave the British Commonwealth.

• It abolished the office of Viceroy and provided for a Governor-General for each dominion, appointed by the King on the advice of the dominion cabinet.

• It dropped the title 'Emperor of India' from the royal titles.

• Until new constitutions came into force, each dominion and its provinces were governed under the Government of India Act, 1935, as adapted.

LINK TO THE CONSTITUTION

Article 395 of the Constitution repealed both the Indian Independence Act, 1947 and the Government of India Act, 1935 - an assertion that the new Constitution rested on the authority of the people, not of the British Parliament.

**Indian Independence Act, 1947: before and after**

| Aspect | Before | After |
|---|---|---|
| Head of administration | Viceroy | Governor-General of each dominion |
| Secretary of State for India | Existed | Abolished |
| Paramountcy over princely states | British Crown | Lapsed |

> The 1947 Act removed the Monarch's veto, ended paramountcy (states free to choose) and made the Constituent Assembly fully sovereign.

**The costliest mistake in this exam isn't a wrong answer. It's a year you can't get back.**

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**17** **The Government of India Act, 1935 is regarded as a major source of the Constitution of India. Which one of the following features of the Constitution is NOT drawn from that Act?**

(a) The office of Governor and the general scheme of its powers

(b) The emergency provisions available to the Union Government

(c) The structure and functions of the Public Service Commissions

**(d) A justiciable chapter of Fundamental Rights for all citizens ✓**

**Explanation**

**The correct answer is (d). The 1935 Act contained no chapter of justiciable Fundamental Rights. The idea of a judicially enforceable bill of rights was drawn mainly from the Constitution of the USA.**

OPTION-WISE ANALYSIS

• Option (a) - WRONG. The Governor's office, including discretionary powers and the power to reserve Bills, draws heavily on the 1935 Act, under which Governors had 'special responsibilities' and individual judgement.

• Option (b) - WRONG. The emergency provisions (Part XVIII) were modelled on the 1935 Act, which empowered the Governor-General to act in emergencies and allowed a Governor (Section 93) to take over a province's administration when constitutional machinery failed. The idea of suspending Fundamental Rights during an emergency, however, came from the Weimar Constitution of Germany.

• Option (c) - WRONG. The 1935 Act provided for Federal, Provincial and Joint Public Service Commissions. Articles 315-323 of the Constitution follow the same pattern.

• Option (d) - CORRECT, for the reason in the verdict. The Nehru Report (1928) and the Karachi Resolution (1931) had demanded fundamental rights, but the British did not include them in the 1935 Act.

TOPIC REVISION - WHAT CAME FROM THE 1935 ACT

• The federal scheme and the three lists of legislative powers.
• The office of Governor.
• The judiciary (a Federal Court as the forerunner of the Supreme Court).
• Public Service Commissions.
• Emergency provisions.
• Many administrative details.

OTHER MAJOR SOURCES

• British: parliamentary government, rule of law, single citizenship, cabinet system.
• USA: Fundamental Rights, independent judiciary, judicial review, impeachment of the President.
• Ireland: Directive Principles of State Policy.
• Canada: a federation with a strong Centre and residuary powers with the Centre.

CAUTION

Calling the Constitution a mere 'copy' of the 1935 Act is a criticism the framers rejected: they adapted borrowed features to Indian conditions, added Fundamental Rights and Directive Principles, and based the whole on popular sovereignty.

**Selected sources of the Constitution**

| Source | Feature borrowed |
|---|---|
| Government of India Act, 1935 | Federal scheme, Governor, PSCs, emergency provisions |
| USA | Fundamental Rights, judicial review |
| Ireland | Directive Principles of State Policy |
| Canada | Strong Centre; residuary powers with the Centre |

> Structure and administration came from the 1935 Act; Fundamental Rights came from the US model (the 1935 Act had none).

**A test tells you where you stand. Daily practice is how you move.**
Both are in the Testogram app.
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**18** Which one of the following was introduced for the first time by the Government of India Act, 1919?

(a) A Federal Court to decide disputes between provinces

(b) A system of separate electorates for Muslims

(c) A Reserve Bank to control currency and credit

**(d) An office of High Commissioner for India in London ✓**

**Explanation**

**The correct answer is (d). The 1919 Act created the office of High Commissioner for India in London and transferred to him some of the functions earlier performed by the Secretary of State for India.**

OPTION-WISE ANALYSIS

• Option (a) - WRONG. A Federal Court was provided for by the Government of India Act, 1935 and set up in 1937. It had original jurisdiction in disputes between the units of the federation, and was the forerunner of the Supreme Court.

• Option (b) - WRONG. Separate electorates for Muslims came with the Indian Councils Act, 1909 (the Morley-Minto Reforms). The 1919 Act EXTENDED communal representation to Sikhs, Indian Christians, Anglo-Indians and Europeans, and the 1935 Act extended it further to depressed classes, women and labour.

• Option (c) - WRONG. The 1935 Act provided for a Reserve Bank of India; the Bank began functioning in 1935 under the Reserve Bank of India Act, 1934.

• Option (d) - CORRECT, for the reason in the verdict.

TOPIC REVISION - 'FIRSTS' OF THE 1919 ACT

• Dyarchy in the provinces (transferred and reserved subjects).
• Bicameralism at the Centre (Council of State and Legislative Assembly).
• Direct elections, on a limited franchise.
• A requirement that three of the six members of the Viceroy's Executive Council (other than the Commander-in-Chief) be Indians.
• Provision for a public service commission (Central PSC set up in 1926).
• Separation of provincial budgets from the central budget.

HOW TO AVOID THE TRAP

UPSC often mixes features of the 1909, 1919 and 1935 Acts. A useful sequence: separate electorates begin in 1909, are extended in 1919 and again in 1935; dyarchy begins in the provinces in 1919 and is replaced by provincial autonomy in 1935; federal institutions (Federal Court, federal lists) are 1935 features.

**Which Act introduced what**

| Feature | Act |
|---|---|
| Separate electorate for Muslims | Indian Councils Act, 1909 |
| High Commissioner for India in London | Government of India Act, 1919 |
| Federal Court | Government of India Act, 1935 |
| Reserve Bank of India | Government of India Act, 1935 |

> 1909 = separate electorates begin; 1919 = High Commissioner, dyarchy, bicameralism; 1935 = Federal Court, Reserve Bank, provincial autonomy.

**19** **With reference to the Indian Councils Acts of 1861 and 1892, consider the following statements:**

1. The Act of 1861 gave statutory recognition to the portfolio system introduced by Lord Canning.
2. The Act of 1861 empowered the Viceroy to issue ordinances in an emergency without the concurrence of the legislative council.
3. The Act of 1892 empowered the legislative councils to vote on the budget.
4. The Act of 1892 introduced direct elections to the Central Legislative Council.

**How many of the statements given above are correct?**

(a) Only one
**(b) Only two ✓**
(c) Only three
(d) All four

**Explanation**

**The correct answer is (b) Only two. Statements 1 and 2 are correct. Statement 3 is wrong because the 1892 Act allowed members only to DISCUSS the budget, not to vote on it. Statement 4 is wrong because the 1892 Act introduced only a limited and indirect element of election; direct elections came with the 1919 Act.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. Under the portfolio system, a member of the Viceroy's Council was placed in charge of one or more departments and could issue final orders on behalf of the Council on matters of that department. Lord Canning had introduced it in 1859; the 1861 Act gave it statutory recognition.

• Statement 2 - CORRECT. The Viceroy could issue ordinances, without the council's concurrence, during an emergency. Such an ordinance had a life of six months. This is an early ancestor of the ordinance power now found in Articles 123 and 213.

• Statement 3 - WRONG, for the reason in the verdict. Members could also ask questions of the executive, but could not ask supplementary questions.

• Statement 4 - WRONG, for the reason in the verdict. Some non-official members of the Central Legislative Council were nominated on the recommendation of the provincial legislative councils and the Bengal Chamber of Commerce. Provincial members were nominated on the recommendation of bodies such as district boards, municipalities, universities and chambers of commerce. This was 'election' only in an indirect sense.

OTHER FEATURES OF THE 1861 ACT

• It began associating Indians with law-making: the Viceroy could nominate Indians as non-official members. In 1862 he nominated the Raja of Benaras, the Maharaja of Patiala and Sir Dinkar Rao.

• It began decentralisation by restoring legislative powers to the Bombay and Madras Presidencies, reversing the centralisation of 1833.

• It provided for new legislative councils for Bengal (1862), the North-Western Provinces (1886) and Punjab (1897).

THE LINE OF DEVELOPMENT

Nomination (1861) → indirect, limited election (1892) → separate electorates (1909) → direct elections and bicameralism (1919).

**Councils Acts at a glance**

| Act | Representation | Powers of members |
|---|---|---|
| 1861 | Indians nominated as non-officials | Law-making only |
| 1892 | Nomination on recommendation (indirect) | Discuss budget; ask questions |
| 1909 | Separate electorate for Muslims | Supplementary questions; resolutions on budget |

1892: budget DISCUSSION and questions only, and indirect 'election' through nomination on recommendation. Budget voting and direct elections came with the 1919 Act.

**If you only find out on result day, you found out too late.**

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**20** **With reference to the Government of India Act, 1919, consider the following statements:**

1. It divided provincial subjects into 'transferred' and 'reserved' subjects.
2. It introduced bicameralism at the Centre, with a majority of the members of both Houses directly elected.
3. It made the Governor-General responsible to the Central Legislature.

**Which of the statements given above is/are correct?**

**(a) 1 and 2 only ✓**

(b) 2 and 3 only

(c) 1 and 3 only

(d) 1, 2 and 3

**Explanation**

**The correct answer is (a) 1 and 2 only. Statement 3 is wrong: the Governor-General remained responsible to the British Government through the Secretary of State, not to the Indian Legislature. Responsible government at the Centre came only with independence.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. The Act (the Montagu-Chelmsford Reforms) followed Montagu's declaration of August 1917, which promised the 'progressive realisation of responsible government' in India. It separated central and provincial subjects and divided the provincial subjects in two. Transferred subjects were administered by the Governor with ministers responsible to the legislative council. Reserved subjects were administered by the Governor and his executive council, who were not responsible to the legislature. This dual scheme is called 'dyarchy'.
• Statement 2 - CORRECT. The Indian Legislative Council was replaced by a bicameral legislature: an upper House (Council of State) and a lower House (Legislative Assembly). A majority of members of both Houses were chosen by direct election, on a franchise limited by property, tax or education.
• Statement 3 - WRONG, for the reason in the verdict.

OTHER FEATURES OF THE 1919 ACT

• Three of the six members of the Viceroy's Executive Council (other than the Commander-in-Chief) had to be Indians.
• Communal representation was extended to Sikhs, Indian Christians, Anglo-Indians and Europeans.
• It created the office of High Commissioner for India in London.
• It provided for a public service commission; the Central Public Service Commission was set up in 1926.
• It separated provincial budgets from the central budget.
• It provided for a statutory commission after ten years, which led to the Simon Commission (1927).

WHY DYARCHY FAILED

Ministers had little control over finance and the bureaucracy, and the Governor could override them. The Government of India Act, 1935 replaced provincial dyarchy with provincial autonomy.

**Dyarchy under the 1919 Act**

| Feature | Transferred subjects | Reserved subjects |
|---|---|---|
| Administered by | Governor with ministers | Governor with executive council |
| Responsible to legislature? | Yes | No |
| Examples | Local government, education, health | Finance, law and order, land revenue |

1919 = provincial dyarchy, central bicameralism, direct elections. It did not make the central executive responsible to the legislature.

**21** **With reference to the Government of India Act, 1935, consider the following statements:**

1. It divided legislative powers between the Centre and the provinces through three lists, and vested residuary powers in the Governor-General.
2. The dyarchy it provided for at the Centre never came into operation.
3. It introduced bicameral legislatures in six of the eleven provinces.
4. It abolished the Council of India established under the Government of India Act, 1858.

**How many of the statements given above are correct?**

(a) Only one

(b) Only two

(c) Only three

**(d) All four ✓**

**Practise daily, and the test stops being a surprise.**

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**Explanation**

**The correct answer is (d) All four. Each statement correctly describes a feature of the Government of India Act, 1935, the longest Act passed by the British Parliament for India and the main administrative source of the present Constitution.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. The Act divided powers through a Federal List, a Provincial List and a Concurrent List. Residuary powers were given to the Governor-General (Viceroy). The present Constitution keeps the three-list scheme (Seventh Schedule), but vests residuary powers in Parliament (Article 248).

• Statement 2 - CORRECT. The Act provided for an All-India Federation of provinces and princely states, with dyarchy at the Centre. Because the princely states were free to join or stay out, and enough did not join, the federation - and with it central dyarchy - never came into operation.

• Statement 3 - CORRECT. Bengal, Bombay, Madras, Bihar, Assam and the United Provinces got a Legislative Council and a Legislative Assembly.

• Statement 4 - CORRECT. The Council of India, which had advised the Secretary of State since 1858, was abolished; the Secretary of State was given a team of advisers instead.

OTHER FEATURES

• It ended provincial dyarchy and introduced 'provincial autonomy': provinces became autonomous units with responsible government, though Governors kept special responsibilities and discretionary powers.

• It extended separate electorates to depressed classes, women and labour.

• It extended the franchise to about 10% of the population.

• It provided for a Federal Public Service Commission, Provincial Public Service Commissions and a Joint Public Service Commission.

• It provided for a Federal Court, set up in 1937.

• It provided for a Reserve Bank of India to control currency and credit.

ITS LEGACY IN THE CONSTITUTION

The federal scheme, the office of Governor, the judiciary, the public service commissions, the emergency provisions and many administrative details of the Constitution draw on this Act. Its federation, however, was criticised as a 'machine with strong brakes but no engine'.

**Government of India Act, 1935: provided vs implemented**

| Feature | Implemented? |
|---|---|
| Provincial autonomy | Yes (1937) |
| Federal Court | Yes (1937) |
| All-India Federation | No |
| Dyarchy at the Centre | No |

1935: residuary powers with the Governor-General, not the provinces. The federation and central dyarchy never came into force. Six (not all) provinces became bicameral.

**Stamina is a skill. Marathon is where you build it before the exam asks for it.**

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**22** **With reference to the Regulating Act, 1773 and Pitt's India Act, 1784, consider the following statements:**

1. The Regulating Act designated the Governor of Bengal as the Governor-General of Bengal and made the Governors of Bombay and Madras subordinate to him.
2. The Regulating Act provided for the establishment of a Supreme Court at Calcutta.
3. Pitt's India Act created a Board of Control to manage the political affairs of the Company, leaving its commercial affairs to the Court of Directors.
4. The Regulating Act ended the monopoly of the East India Company over trade with India.

**How many of the statements given above are correct?**

(a) Only one

(b) Only two

**(c) Only three ✓**

(d) All four

**Explanation**

**The correct answer is (c) Only three. Statements 1, 2 and 3 are correct. Statement 4 is wrong: the Company's monopoly of Indian trade was ended by the Charter Act of 1813 (except for trade in tea and with China). The Regulating Act was the first step towards regulating the Company, not ending its trade.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. The Regulating Act was the first measure by which the British Parliament controlled and regulated the affairs of the Company in India. It recognised, for the first time, the Company's political and administrative functions. Warren Hastings became the first Governor-General of Bengal, with an Executive Council of four members. The Governors of Bombay and Madras were made subordinate to him. This laid the foundation of central administration in India.

• Statement 2 - CORRECT. The Supreme Court at Fort William, Calcutta, was set up in 1774 with a Chief Justice (Sir Elijah Impey) and three other judges. The Act also barred Company servants from private trade and from accepting presents or bribes.

• Statement 3 - CORRECT. Pitt's India Act separated the Company's commercial and political functions. The Court of Directors kept commerce, while the new Board of Control supervised civil, military and revenue affairs. This arrangement is called the system of 'double government'. The Act also used the expression 'British possessions in India' for the Company's territories for the first time, and gave the British Government supreme control over the Company's administration in India.

• Statement 4 - WRONG, for the reason in the verdict.

TOPIC REVISION - THE COMPANY ERA ACTS

• Regulating Act 1773: Governor-General of Bengal; Supreme Court at Calcutta.

• Pitt's India Act 1784: Board of Control; double government.

• Charter Act 1813: trade monopoly ended (except tea and China trade).

• Charter Act 1833: Governor-General of India (Lord William Bentinck); the final step towards centralisation; the Company became a purely administrative body.

• Charter Act 1853: separated the legislative and executive functions of the Governor-General's Council.

WHY IT MATTERS

These Acts show a steady shift of control from a trading company to the British Parliament and Crown, which culminated in the Government of India Act, 1858.

**Early Acts of Company rule**

| Act | Key change |
|---|---|
| Regulating Act, 1773 | Governor-General of Bengal; Supreme Court at Calcutta |
| Pitt's India Act, 1784 | Board of Control; double government |
| Charter Act, 1813 | Indian trade monopoly ended (except tea, China) |
| Charter Act, 1833 | Governor-General of India; Company purely administrative |

> Regulating Act = first parliamentary control, Governor-General of Bengal, Supreme Court. Pitt's Act = Board of Control and double government. Trade monopoly ended only in 1813.

**23** **In the following question, an Assertion (A) is followed by a Reason (R). Select the correct option from the codes given below.**

**Assertion (A):** The Government of India Act, 1935 was repealed by the Indian Independence Act, 1947.

**Reason (R):** Article 395 of the Constitution repealed the Indian Independence Act, 1947 and the Government of India Act, 1935, together with the Acts amending or supplementing the latter.

(a) Both A and R are true and R is the correct explanation of A

(b) Both A and R are true but R is NOT the correct explanation of A

(c) A is true but R is false

**(d) A is false but R is true ✓**

**A year is too long to wait for feedback.**

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**Explanation**

**The correct answer is (D): A is false, but R is true. The Indian Independence Act did not repeal the 1935 Act; it kept it in force, as adapted, as the working constitution of the dominions. Both Acts were repealed by Article 395 of the Constitution.**

ASSERTION - FALSE

• Under the Indian Independence Act, 1947, each dominion and its provinces were to be governed, until new constitutions were framed, under the Government of India Act, 1935, with adaptations made by the Governor-General. So between August 1947 and January 1950, the 1935 Act (as adapted) served as India's constitution.

REASON - TRUE

• Article 395 reads, in substance, that the Indian Independence Act, 1947 and the Government of India Act, 1935, together with all enactments amending or supplementing the latter (but not including the Abolition of Privy Council Jurisdiction Act, 1949), are repealed.

WHY ARTICLE 395 MATTERS - 'AUTOCHTHONY'

• By repealing the British statutes from which the Constituent Assembly had derived its legal authority, the framers made the Constitution 'autochthonous' - springing from Indian soil and resting on the will of the people ('We, the people of India'), not on an Act of the British Parliament.
• This is also why the Constitution was not sent to the British Parliament for approval.

TOPIC REVISION - TRANSITIONAL ARRANGEMENTS

• The Constituent Assembly also acted as the dominion legislature; G.V. Mavalankar presided when it sat as a legislature.
• Some provisions (citizenship, elections, provisional Parliament, temporary and transitional provisions) came into force on 26 November 1949 under Article 394; the rest on 26 January 1950.
• 26 January was chosen because on that day in 1930 the Congress had celebrated 'Purna Swaraj Day' after the Lahore session (December 1929).
• The Abolition of Privy Council Jurisdiction Act, 1949 was kept in force so that appeals pending before the Privy Council could be transferred to the Federal Court and then the Supreme Court.

**Constitutional framework, 1947-1950**

| Period | Governing law |
|---|---|
| Before 15 Aug 1947 | Government of India Act, 1935 |
| 15 Aug 1947 - 25 Jan 1950 | 1935 Act as adapted + Indian Independence Act, 1947 |
| From 26 Jan 1950 | Constitution of India (Art. 395 repeals both Acts) |

> Both the 1935 Act and the 1947 Act were repealed by Article 395 of the Constitution. Between 1947 and 1950, the 1935 Act (as adapted) was the working constitution.

**24** **In the following question, an Assertion (A) is followed by a Reason (R). Select the correct option from the codes given below.**

**Assertion (A):** The Constitution of India is described as a blend of rigidity and flexibility.

**Reason (R):** Article 368 lays down a single procedure, a special majority of Parliament, for amending every provision of the Constitution.

(a) Both A and R are true and R is the correct explanation of A

(b) Both A and R are true but R is NOT the correct explanation of A

**(c) A is true but R is false ✓**

(d) A is false but R is true

**Explanation**

**The correct answer is (C): A is true, but R is false. The Constitution can be amended in three different ways, not one, and it is precisely this variety that makes it partly rigid and partly flexible.**

ASSERTION - TRUE

• A rigid constitution needs a special procedure for amendment, as in the USA; a flexible one can be amended like an ordinary law, as in Britain. The Indian Constitution is neither wholly rigid nor wholly flexible: some provisions are easy to amend and others are hard.

REASON - FALSE

• There are three ways of amending the Constitution:
- by a simple majority of Parliament, for provisions that are expressly declared not to be amendments under Article 368 (for example Articles 2-4 and 169, the Fifth and Sixth Schedules, and quorum in Parliament);
- by a special majority of Parliament under Article 368 (a majority of the total membership of each House and two-thirds of members present and voting), for most provisions, including Fundamental Rights and Directive Principles;
- by a special majority plus ratification by half of the State legislatures, for federal provisions.
So Article 368 itself contains two procedures, and many changes are made outside it altogether.

TOPIC REVISION - THE PROCEDURE UNDER ARTICLE 368

• A Bill can be introduced in either House, by a minister or a private member; no prior permission of the President is needed.
• There is no joint sitting for constitutional amendment Bills.
• Since the 24th Amendment (1971), the President must give assent.
• The amending power cannot be used to destroy the basic structure (Kesavananda Bharati, 1973).

WHY THE FRAMERS CHOSE THIS BALANCE

A rigid constitution could not adapt to a changing society; a fully flexible one would offer no protection to federalism and rights. Nehru wanted a constitution that was solid and permanent but also capable of growth.

> Three modes of amendment, not one: simple majority (outside 368), special majority, special majority plus half the States. No joint sitting for amendment Bills.

**25** **Which one of the following is NOT a feature of the parliamentary system of government adopted by the Constitution of India?**

(a) Collective responsibility of the executive to the popular House

(b) Membership of ministers in the legislature, with a six-month grace period

**(c) A fixed tenure of the executive independent of the legislature's confidence** ✓

(d) Distinction between the nominal executive and the real executive authority

**A wrong answer you understand is worth more than a right one you guessed.**

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**Explanation**

**The correct answer is (c). A fixed tenure that does not depend on the confidence of the legislature is a feature of the presidential system (as in the USA). In India the Council of Ministers stays in office only so long as it enjoys the confidence of the Lok Sabha.**

OPTION-WISE ANALYSIS

• Option (a) - WRONG (it IS a parliamentary feature). Under Article 75(3), the Council of Ministers is collectively responsible to the Lok Sabha; under Article 164(2), State ministers are responsible to the Legislative Assembly. A government that loses a vote of confidence must resign.

• Option (b) - WRONG (it IS a parliamentary feature). Ministers must be members of Parliament; a non-member must become one within six months (Article 75(5)). In a presidential system, members of the executive cannot sit in the legislature.

• Option (c) - CORRECT, for the reason in the verdict.

• Option (d) - WRONG (it IS a parliamentary feature). The President is the nominal (de jure) executive; the Prime Minister and Council of Ministers are the real (de facto) executive. Since the 42nd and 44th Amendments, the President must act on their advice (Article 74).

TOPIC REVISION - FEATURES OF THE PARLIAMENTARY SYSTEM

• Nominal and real executive.
• Majority party rule.
• Collective responsibility.
• Political homogeneity and secrecy of proceedings.
• Double membership (ministers in the legislature).
• Leadership of the Prime Minister.
• Dissolution of the lower House on the advice of the government.

WHY THE FRAMERS CHOSE IT

They were familiar with it from British rule, and they preferred the responsibility of a parliamentary executive to the stability of a presidential one. Dr. Ambedkar said the parliamentary system offers more responsibility, because the executive can be questioned and removed on a daily basis.

HOW INDIA DIFFERS FROM BRITAIN

India has an elected head of state (a republic, not a monarchy), a written constitution, judicial review, and no doctrine of absolute parliamentary sovereignty.

**Parliamentary vs presidential system**

| Feature | Parliamentary (India) | Presidential (USA) |
|---|---|---|
| Executive | Dual (nominal + real) | Single |
| Ministers in legislature | Yes | No |
| Tenure of executive | Depends on confidence of lower House | Fixed |
| Dissolution of lower House | Possible | Not possible |

> Fixed executive tenure = presidential system. Parliamentary system = responsibility to the lower House, ministers in the legislature, dual executive.

**26** **With reference to universal adult franchise under the Constitution of India, which one of the following statements is correct?**

**(a) The voting age was lowered from 21 to 18 years by the 61st Amendment Act, 1988** ✓

(b) The original Constitution of 1950 fixed the voting age at 18 years for all elections

(c) The right to vote is a Fundamental Right guaranteed by Part III of the Constitution

(d) Article 326 extends adult suffrage only to elections to the House of the People

**The same mistake, made twice, is a habit. This is where you catch it the first time.**

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**Explanation**

**The correct answer is (a). The 61st Amendment Act, 1988 amended Article 326 to lower the voting age from 21 to 18 years for elections to the Lok Sabha and the State Legislative Assemblies.**

OPTION-WISE ANALYSIS

• Option (a) - CORRECT, for the reason in the verdict. It came into force in 1989 and greatly enlarged the electorate.

• Option (b) - WRONG. The original Article 326 fixed the voting age at 21 years.

• Option (c) - WRONG. The right to vote is not a Fundamental Right. The Supreme Court has described it as a constitutional or statutory right, regulated by the Representation of the People Act, 1950 (Kuldip Nayar v. Union of India, 2006). It is not found in Part III.

• Option (d) - WRONG. Article 326 provides that elections to the House of the People AND to the Legislative Assembly of every State shall be on the basis of adult suffrage.

TOPIC REVISION - ADULT FRANCHISE AS A SALIENT FEATURE

• Every citizen of India who is at least 18 years old and is not otherwise disqualified (for example, by non-residence, unsoundness of mind, crime or corrupt or illegal practice) is entitled to vote.

• India adopted universal adult franchise at one stroke in 1950, while many older democracies had extended the vote gradually.

• Under the Government of India Act, 1935, only about 10% of the population had the vote, on property, tax and education qualifications.

WHY THE FRAMERS ADOPTED IT

They saw it as essential for political equality, for removing social disparities, and for building popular faith in democracy, despite high illiteracy. Critics feared it was premature; the framers trusted the common voter.

RELATED PROVISIONS

• Article 325: a single general electoral roll for every constituency; no one excluded on grounds of religion, race, caste or sex.

• Article 324: the Election Commission superintends elections.

**The franchise in India**

| Stage | Franchise |
|---|---|
| Government of India Act, 1935 | About 10% of population (property, tax, education) |
| Constitution, 1950 | Universal adult franchise at 21 |
| 61st Amendment, 1988 | Voting age lowered to 18 |

Voting age 21 → 18 by the 61st Amendment (1988). The right to vote is not in Part III. Article 326 covers both Lok Sabha and Assembly elections.

**27** With reference to the Objectives Resolution moved in the Constituent Assembly, which one of the following statements is correct?

(a) It was moved by Dr. B.R. Ambedkar on behalf of the Drafting Committee

**(b) It envisaged constituent units that would retain residuary powers ✓**

(c) It described India as a socialist and secular sovereign republic

(d) It was adopted after the draft constitution had been published

**Explanation**

**The correct answer is (b). The Objectives Resolution envisaged that the territories forming the Union would retain the status of autonomous units with residuary powers. The Constitution as finally adopted took the opposite course and vested residuary powers in Parliament (Article 248).**

OPTION-WISE ANALYSIS

• Option (a) - WRONG. The Resolution was moved by Jawaharlal Nehru on 13 December 1946, before the Drafting Committee existed. It was adopted unanimously on 22 January 1947.

• Option (b) - CORRECT, for the reason in the verdict. When the Resolution was moved, the Cabinet Mission Plan's weak-Centre scheme was still the basis of negotiations with the Muslim League. After Partition was announced (June 1947), the Union Powers Committee recommended a strong Centre, and the Constitution placed residuary powers with the Union, following the Canadian model.

• Option (c) - WRONG. The Resolution spoke of an 'Independent Sovereign Republic'. The words 'socialist' and 'secular' entered the Preamble only through the 42nd Amendment (1976).

• Option (d) - WRONG. The Resolution was adopted in January 1947; the draft constitution was published in February 1948.

TOPIC REVISION - CONTENTS OF THE OBJECTIVES RESOLUTION

• India to be an Independent Sovereign Republic.

• All power and authority derived from the people.

• Justice (social, economic and political), equality of status and opportunity, and freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality.

• Adequate safeguards for minorities, backward and tribal areas, and depressed and other backward classes.

• The integrity of the territory of the Republic, and India's rightful place in the world.

WHY IT MATTERS

The Resolution laid down the philosophy of the Constitution, and its modified version became the Preamble. Comparing the two shows how the framers moved from a loose federation to a Union with a strong Centre after Partition.

**Objectives Resolution vs the Constitution**

| Point | Objectives Resolution (1946-47) | Constitution (1949) |
|---|---|---|
| Residuary powers | With the autonomous units | With Parliament (Art. 248) |
| Nature of State | Independent Sovereign Republic | Sovereign Democratic Republic |
| 'Socialist', 'secular' | Not mentioned | Added in 1976 |

Objectives Resolution: Nehru, 13 Dec 1946, adopted 22 Jan 1947; residuary powers with the units. The Constitution reversed this (Article 248). 'Socialist' and 'secular' came only in 1976.

**28** **Consider the following pairs:**
**Feature of the Constitution of India : Source from which it is drawn**

1. Directive Principles of State Policy : Constitution of Ireland
2. Concurrent List : Constitution of Australia
3. Procedure for amendment of the Constitution : Constitution of South Africa
4. Vesting of residuary powers in the Centre : Constitution of Canada

**How many of the pairs given above are correctly matched?**

(a) Only one
(b) Only two
(c) Only three
**(d) All four ✓**

**Reading a solution shows you the answer.
Sitting the test shows you yourself.**

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**Explanation**

**The correct answer is (d) All four. Each feature is correctly matched with the constitution from which it was principally drawn.**

PAIR-WISE (STATEMENT-WISE) ANALYSIS

• Statement 1 (pair 1) - CORRECT. The Directive Principles (Part IV) were inspired by the Irish Constitution of 1937, which in turn drew on the Spanish Constitution. Ireland also supplied the method of election of the President and the nomination of members to the Rajya Sabha.

• Statement 2 (pair 2) - CORRECT. Australia supplied the Concurrent List, freedom of trade, commerce and intercourse, and the joint sitting of the two Houses.

• Statement 3 (pair 3) - CORRECT. South Africa supplied the procedure for amendment of the Constitution and the election of members of the Rajya Sabha.

• Statement 4 (pair 4) - CORRECT. Canada supplied a federation with a strong Centre, residuary powers with the Centre, the appointment of State Governors by the Centre, and the advisory jurisdiction of the Supreme Court.

TOPIC REVISION - OTHER SOURCES

• Government of India Act, 1935: federal scheme, office of Governor, judiciary, Public Service Commissions, emergency provisions.

• Britain: parliamentary government, rule of law, legislative procedure, single citizenship, cabinet system, prerogative writs, bicameralism.

• USA: Fundamental Rights, independent judiciary, judicial review, impeachment of the President, removal of Supreme Court and High Court judges, the office of Vice-President.

• Weimar Germany: suspension of Fundamental Rights during an Emergency.

• Former USSR: Fundamental Duties and the ideal of social, economic and political justice in the Preamble.

• France: republic, and the ideals of liberty, equality and fraternity in the Preamble.

• Japan: 'procedure established by law' in Article 21.

A NOTE ON 'BORROWING'

Dr. Ambedkar defended the borrowing: the fundamentals of constitutions are by then well known, and what matters is how they are adapted. The framers changed what they borrowed to suit Indian conditions - for example, combining a written constitution and judicial review with parliamentary government.

**Sources of the Constitution**

| Country / Act | Features |
|---|---|
| Ireland | DPSP; election of President; nomination to Rajya Sabha |
| Australia | Concurrent List; trade freedom; joint sitting |
| South Africa | Amendment procedure; election of Rajya Sabha members |
| Canada | Strong Centre; residuary powers; Governors appointed by Centre |
| Weimar Germany | Suspension of FRs during Emergency |

Ireland = DPSP; Australia = Concurrent List and joint sitting; South Africa = amendment procedure; Canada = strong Centre and residuary powers; Weimar = suspension of FRs.

**29** **With reference to the salient features of the Constitution of India, consider the following statements:**

1. Some provisions of the Constitution can be amended by Parliament by a simple majority, outside the procedure of Article 368.
2. Amendments affecting the federal structure require, in addition to a special majority in Parliament, ratification by the legislatures of at least half of the States.
3. The Constitution establishes a single integrated judicial system that enforces both Union and State laws.
4. The Constitution adopts the American doctrine of judicial supremacy without any qualification.

**How many of the statements given above are correct?**

| | |
|---|---|
| (a) Only one | (b) Only two |
| **(c) Only three ✓** | (d) All four |

**Whoever sent you this knows their strengths, understands their gaps, and knows where they're headed. They're preparing with clarity and confidence—not fear. They know their edge. You can too.**

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**Explanation**

**The correct answer is (c) Only three. Statements 1, 2 and 3 are correct. Statement 4 is wrong: the Constitution strikes a balance between British parliamentary sovereignty and American judicial supremacy, rather than adopting either without qualification.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. Provisions such as the formation of new States and alteration of boundaries (Articles 2-4), the creation or abolition of Legislative Councils (Article 169), quorum in Parliament and salaries of members can be changed by an ordinary law. These are expressly declared NOT to be amendments under Article 368. This is the flexible part of the Constitution.

• Statement 2 - CORRECT. Under the proviso to Article 368(2), amendments to matters such as the election of the President, the extent of the executive power of the Union and States, the Supreme Court and High Courts, the distribution of legislative powers and the representation of States in Parliament need ratification by half of the State legislatures, by a simple majority. This is the rigid part.

• Statement 3 - CORRECT. Unlike the USA, which has separate federal and State court systems, India has a single hierarchy: the Supreme Court at the top, High Courts below it, and subordinate courts below them. All of them enforce both Central and State laws.

• Statement 4 - WRONG, for the reason in the verdict. The Supreme Court can strike down laws (judicial review), but its review is narrower than in the USA ('procedure established by law' in Article 21, as against 'due process'). Parliament can amend most of the Constitution, but cannot alter its basic structure.

TOPIC REVISION - OTHER SALIENT FEATURES

• The lengthiest written constitution in the world.
• Federal system with a unitary bias; parliamentary form of government.
• Fundamental Rights, Directive Principles and Fundamental Duties.
• A secular state; universal adult franchise; single citizenship.
• Independent bodies such as the Election Commission and the CAG.
• Emergency provisions; three-tier government after the 73rd and 74th Amendments.

WHY THE BALANCE MATTERS

Kesavananda Bharati (1973) expresses this synthesis: Parliament's amending power is wide but limited, and judicial review is itself part of the basic structure.

**Three ways of amending the Constitution**

| Mode | Examples |
|---|---|
| Simple majority of Parliament | Articles 2-4, Article 169, quorum |
| Special majority of Parliament | Fundamental Rights, Directive Principles |
| Special majority + half the States | Election of President, Seventh Schedule, Supreme Court |

> Three modes of amendment: simple majority (outside Article 368), special majority, and special majority plus State ratification. India blends parliamentary sovereignty with judicial supremacy.

**The exam will ask what you avoided. Find out what that is while it still costs nothing.**

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**30** **With reference to the composition of the Constituent Assembly under the Cabinet Mission Plan, consider the following statements:**

1. The seats allotted to each British province were divided among three communities - General, Muslim and Sikh - in proportion to their population.
2. The representatives of the princely states were to be elected by the legislatures of those states.
3. The Assembly adopted the national anthem on 26 November 1949, the day it adopted the Constitution.
4. The total strength of the Assembly under the Plan was fixed at 389.

**How many of the statements given above are correct?**

| | |
|---|---|
| (a) Only one | **(b) Only two ✓** |
| (c) Only three | (d) All four |

**Explanation**

**The correct answer is (b) Only two. Statements 1 and 4 are correct. Statement 2 is wrong because the princely states' representatives were to be NOMINATED by the heads of those states. Statement 3 is wrong because the national anthem was adopted on 24 January 1950, at the Assembly's final session.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. Under the Cabinet Mission Plan (1946), seats were allotted roughly in the ratio of one per million population. Each province's seats were divided among Muslims, Sikhs and 'General' (all others) in proportion to their population. Each community's representatives were elected by members of that community in the provincial legislative assembly, by proportional representation through the single transferable vote.
• Statement 2 - WRONG, for the reason in the verdict. This is why critics say the Assembly was only partly elected: the princely states' members were not chosen by any electorate.
• Statement 3 - WRONG, for the reason in the verdict. On 24 January 1950 the Assembly also adopted the national song and elected Dr. Rajendra Prasad as the first President.
• Statement 4 - CORRECT. Of 389 seats, 296 were for British India (292 from the eleven Governors' provinces and 4 from the Chief Commissioners' provinces) and 93 for the princely states.

TOPIC REVISION - HOW THE ASSEMBLY CAME ABOUT

• M.N. Roy first put forward the idea of a Constituent Assembly in 1934; the Congress formally demanded one in 1935.
• The British accepted the demand in principle in the 'August Offer' of 1940.
• Elections to the 296 British Indian seats were held in July-August 1946: the Congress won 208, the Muslim League 73, and small groups and independents 15.
• The princely states stayed away at first; after Partition the Muslim League members from Pakistan left, and the Assembly's strength fell to 299.

ASSESSMENT

Critics called it unrepresentative because it was not directly elected. Defenders point out that it included members of almost every community and shade of opinion, and that its decisions were reached largely through consensus. Granville Austin described the Congress as the Assembly, and the Assembly as India.

**Constituent Assembly under the Cabinet Mission Plan**

| Category | Seats | Mode of selection |
|---|---|---|
| Governors' provinces | 292 | Indirect election by community |
| Chief Commissioners' provinces | 4 | Indirect election |
| Princely states | 93 | Nominated by heads of states |
| Total | 389 | - |

> Provinces: indirect election by community. Princely states: nominated by rulers. Anthem and song were adopted on 24 January 1950, not 26 November 1949.

**31** **With reference to the functioning of the Constituent Assembly, consider the following statements:**

1. The Drafting Committee was set up on 29 August 1947 under the chairmanship of Dr. B.R. Ambedkar.
2. At its final session on 24 January 1950, the Assembly elected Dr. Rajendra Prasad as the first President of India.
3. The Steering Committee of the Assembly was chaired by Dr. B.R. Ambedkar.

**Which of the statements given above is/are correct?**

**(a) 1 and 2 only ✓** | (b) 2 and 3 only

(c) 1 and 3 only | (d) 1, 2 and 3

**Explanation**

**The correct answer is (a) 1 and 2 only. Statement 3 is wrong: the Steering Committee, which co-ordinated the Assembly's business, was chaired by Dr. Rajendra Prasad. Dr. Ambedkar chaired the Drafting Committee.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. The seven-member Drafting Committee was set up on 29 August 1947 to prepare a draft constitution. Its members were Dr. B.R. Ambedkar (Chairman), N. Gopalaswamy Ayyangar, Alladi Krishnaswamy Ayyar, K.M. Munshi, Syed Mohammad Saadullah, N. Madhava Rau (who replaced B.L. Mitter) and T.T. Krishnamachari (who replaced D.P. Khaitan after his death in 1948). It published the first draft in February 1948.

• Statement 2 - CORRECT. On 24 January 1950, members signed the Constitution, the national anthem and the national song were adopted, and Dr. Rajendra Prasad was elected the first President of India.

• Statement 3 - WRONG, for the reason in the verdict.

TOPIC REVISION - MAJOR COMMITTEES AND CHAIRMEN

• Union Powers Committee: Jawaharlal Nehru.

• Union Constitution Committee: Jawaharlal Nehru.

• Provincial Constitution Committee: Sardar Patel.

• Drafting Committee: Dr. B.R. Ambedkar.

• Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas: Sardar Patel (with sub-committees on Fundamental Rights under J.B. Kripalani and on Minorities under H.C. Mukherjee).

• Rules of Procedure Committee and Steering Committee: Dr. Rajendra Prasad.

• States Committee (negotiating with the princely states): Jawaharlal Nehru.

THE PROCESS IN BRIEF

• First meeting: 9 December 1946; Dr. Sachchidananda Sinha as temporary President; Dr. Rajendra Prasad elected President on 11 December 1946.

• The draft went through three readings; the Constitution was adopted on 26 November 1949.

• The Assembly took about 2 years, 11 months and 18 days, holding 11 sessions over 165 days.

• The National Flag was adopted on 22 July 1947, before independence.

**Constituent Assembly committees**

| Committee | Chairman |
|---|---|
| Drafting Committee | B.R. Ambedkar |
| Steering Committee | Rajendra Prasad |
| Union Powers Committee | Jawaharlal Nehru |
| Provincial Constitution Committee | Vallabhbhai Patel |
| Advisory Committee (FRs, minorities, tribal areas) | Vallabhbhai Patel |

Ambedkar = Drafting Committee. Prasad = President of the Assembly, Steering Committee and Rules Committee. Nehru = Union Powers, Union Constitution and States Committees. Patel = Provincial Constitution and Advisory Committee.

**Every explanation here was written to teach, not to justify an answer key.**

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**32** **In the following question, an Assertion (A) is followed by a Reason (R). Select the correct option from the codes given below.**

**Assertion (A):** The Preamble can be amended by Parliament under Article 368.

**Reason (R):** The Supreme Court has held that the Preamble is a part of the Constitution.

| | |
|---|---|
| **(a) Both A and R are true and R is the correct explanation of A ✓** | (b) Both A and R are true but R is NOT the correct explanation of A |
| (c) A is true but R is false | (d) A is false but R is true |

**Explanation**

**The correct answer is (A): both A and R are true, and R correctly explains A. Article 368 empowers Parliament to amend 'this Constitution'; because the Preamble is part of the Constitution, it falls within that power - subject to the basic structure limitation.**

ASSERTION - TRUE

• Parliament amended the Preamble through the 42nd Amendment (1976), using the special-majority procedure of Article 368.

• The amendment cannot destroy the basic features embodied in the Preamble, such as sovereignty, democracy, the republican form, secularism and justice.

REASON - TRUE, AND IT EXPLAINS A

• In Kesavananda Bharati (1973), it was argued that the Preamble, not being part of the Constitution, cannot be amended. The Court held that the Preamble is part of the Constitution, and therefore amendable.

• The amendability of the Preamble follows directly from its status as part of the Constitution, so R is the correct explanation of A.

TOPIC REVISION - KESAVANANDA BHARATI (1973)

• A 13-judge Bench, decided by 7:6.

• Parliament can amend any part of the Constitution, including Fundamental Rights, but cannot alter its basic structure.

• It overruled Golaknath (1967) on the amendability of Fundamental Rights, and the Berubari view on the Preamble.

• The judges drew on the Preamble to identify basic features.

AMENDMENT PROCEDURE FOR THE PREAMBLE

• A special majority in each House: a majority of the total membership and two-thirds of members present and voting.

• No ratification by States is needed, since the Preamble is not among the federal provisions in the proviso to Article 368(2).

• No joint sitting is possible for constitutional amendment Bills.

> Amendable because it is part of the Constitution (Kesavananda), but its basic features cannot be destroyed. Amended once (42nd).

**33** **In the following question, an Assertion (A) is followed by a Reason (R). Select the correct option from the codes given below.**

**Assertion (A):** The Preamble declares that the source of authority of the Constitution lies with the people of India.

**Reason (R):** The Constitution of India was ratified by the people through a nationwide referendum before it came into force.

(a) Both A and R are true and R is the correct explanation of A

(b) Both A and R are true but R is NOT the correct explanation of A

**(c) A is true but R is false ✓**

(d) A is false but R is true

**Explanation**

**The correct answer is (C): A is true, but R is false. The Constitution was adopted and enacted by the Constituent Assembly on 26 November 1949. It was never put to a referendum, yet it claims its authority from 'We, the people of India'.**

ASSERTION - TRUE

• The Preamble opens with 'We, the people of India' and closes with 'do hereby adopt, enact and give to ourselves this Constitution'. This means the Constitution derives its authority from the people, not from the British Parliament or any external power.
• The repeal of the Indian Independence Act, 1947 and the Government of India Act, 1935 by Article 395 reinforced this break from British legal authority.

REASON - FALSE

• There was no referendum. The Constituent Assembly, elected indirectly by provincial assemblies (and with nominated members from the princely states), adopted the Constitution on behalf of the people.
• Critics have therefore questioned how far the Assembly truly represented the people. Defenders argue that it reflected the national movement's leadership and a broad range of opinion, and that later free elections under universal adult franchise confirmed popular acceptance of the Constitution.

TOPIC REVISION - POPULAR SOVEREIGNTY

• Sovereignty rests with the people; they exercise it through elected representatives (representative democracy).
• The Indian system does not provide for national referendums; the Constitution is amended by Parliament under Article 368, with State ratification for federal provisions.
• Compare: the US Constitution was ratified by State conventions; the Irish Constitution of 1937 was approved by referendum.

WHY THE DATE MATTERS

'This twenty-sixth day of November, 1949' records the date of adoption. 26 November is now observed as Constitution Day (Samvidhan Divas). The Constitution came fully into force on 26 January 1950.

> Authority from 'We, the people' - yes. Ratified by referendum - no; it was adopted by the Constituent Assembly on 26 November 1949.

**Well prepared is not the same as competitive. Know which one you are.**

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**34** **The Preamble aims to secure to all citizens Justice - social, economic and political. From which source is this ideal of justice in its three forms taken?**

(a) The French Revolution of 1789

(b) The Constitution of Ireland

(c) The American Declaration of Independence

**(d) The Russian Revolution of 1917 ✓**

**Explanation**

**The correct answer is (d). The ideal of justice - social, economic and political - in the Preamble is taken from the Russian Revolution of 1917.**

OPTION-WISE ANALYSIS

• Option (a) - WRONG. The French Revolution is the source of the ideals of liberty, equality and fraternity in the Preamble, and of the idea of a republic.

• Option (b) - WRONG. Ireland supplied the Directive Principles of State Policy, the method of election of the President and the nomination of members to the Rajya Sabha.

• Option (c) - WRONG. The American influence appears in the opening words 'We, the people', in Fundamental Rights and in judicial review, not in the threefold idea of justice.

• Option (d) - CORRECT, for the reason in the verdict.

TOPIC REVISION - THE THREE FORMS OF JUSTICE

• Social justice: equal treatment of all citizens, without social distinctions based on caste, colour, race, religion or sex; the end of privileges and the improvement of backward classes, SCs, STs and women.

• Economic justice: no discrimination on economic grounds; elimination of glaring inequalities in wealth, income and property.

• Political justice: equal political rights, equal access to all political offices and an equal voice in government.

Social and economic justice together are often called 'distributive justice'.

HOW THE CONSTITUTION SECURES JUSTICE

• Fundamental Rights (for example Articles 15, 16 and 17) secure social and political justice.

• Directive Principles (for example Articles 38 and 39) direct the State to promote social, economic and political justice and to reduce inequalities.

• Article 38(1) itself repeats the language of 'justice, social, economic and political'.

LINK WITH OTHER IDEALS

Liberty without equality, Dr. Ambedkar warned, produces the supremacy of the few, and equality without liberty kills individual initiative; fraternity binds the two.

**Sources of the ideals in the Preamble**

| Ideal | Source |
|---|---|
| Justice: social, economic, political | Russian Revolution (1917) |
| Liberty, equality, fraternity | French Revolution (1789) |
| 'We, the people' | Preamble to the US Constitution |

> Justice (social, economic, political) = Russian Revolution. Liberty, equality, fraternity = French Revolution. DPSP = Ireland.

**The exam doesn't ask how much you studied. It asks where you stand among everyone who studied too.**

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**35** Which one of the following best describes the legal status of the Preamble to the Constitution of India?

**(a) It is part of the Constitution and aids interpretation, but is not a source of power or limitation ✓**

(b) It is a separate declaration of intent which, the Supreme Court has held, is not part of the Constitution

(c) It is part of the Constitution and is enforceable in a court of law like any operative provision of it

(d) It is a source of substantive power on which Parliament may rely when no specific entry is available

**Explanation**

**The correct answer is (a). After Kesavananda Bharati (1973), the Preamble is a part of the Constitution. But it is non-justiciable, and is neither a source of power to the legislature nor a source of prohibitions on its powers.**

OPTION-WISE ANALYSIS

• Option (a) - CORRECT, for the reason in the verdict.

• Option (b) - WRONG. This was the Berubari Union view (1960), which Kesavananda Bharati (1973) overruled. LIC of India (1995) reaffirmed that the Preamble is an integral part of the Constitution.

• Option (c) - WRONG. Being part of the Constitution does not make it enforceable. Its ideals are realised through the operative provisions, such as Fundamental Rights (enforceable) and Directive Principles (non-enforceable).

• Option (d) - WRONG. Where no specific entry exists, Parliament relies on its residuary power under Article 248 and Entry 97 of the Union List - not on the Preamble.

TOPIC REVISION - THE ROLE OF THE PREAMBLE

• Key to the minds of the makers: it shows the objectives the Constitution seeks to achieve.

• Interpretive aid: courts use it to resolve ambiguity in a provision, choosing the meaning that best furthers its objectives.

• It cannot override an express provision.

• It embodies basic features of the Constitution, and the amending power under Article 368 cannot be used to destroy them.

AMENDMENT OF THE PREAMBLE

• Because it is part of the Constitution, it can be amended under Article 368.

• It has been amended only once, by the 42nd Amendment (1976), which added 'Socialist', 'Secular' and 'Integrity'.

COMMON CONFUSION

'Part of the Constitution' and 'enforceable' are different questions. Directive Principles are also part of the Constitution but are not enforceable by courts (Article 37). The Preamble is in a similar position, with the further limit that it confers no powers at all.

> Part of the Constitution (Kesavananda, LIC) - yes. Justiciable or a source of power - no. Residuary power comes from Article 248, not the Preamble.

**36** With reference to the amendment of the Preamble, which one of the following statements is correct?

(a) The Preamble has never been amended, since it is not a part of the Constitution

(b) The Preamble was amended twice, by the 42nd and the 44th Amendment Acts

**(c) The Preamble was amended once, when the 42nd Amendment Act added three words** ✓

(d) The Preamble may be amended only with the ratification of half of the States

**Explanation**

**The correct answer is (c). The Preamble has been amended only once - by the 42nd Amendment Act, 1976, which added the words 'Socialist', 'Secular' and 'Integrity'.**

OPTION-WISE ANALYSIS

• Option (a) - WRONG. The Preamble has been amended, and it IS a part of the Constitution (Kesavananda Bharati, 1973). The view that it is not a part (Berubari, 1960) was overruled.

• Option (b) - WRONG. The 44th Amendment (1978) reversed many changes made by the 42nd, but it did not alter the Preamble. 'Socialist' and 'Secular' remain in it.

• Option (c) - CORRECT, for the reason in the verdict. 'Sovereign Democratic Republic' became 'Sovereign Socialist Secular Democratic Republic', and 'unity of the Nation' became 'unity and integrity of the Nation'.

• Option (d) - WRONG. The Preamble is not among the federal provisions listed in the proviso to Article 368(2), so its amendment needs a special majority of Parliament only, without State ratification.

TOPIC REVISION - THE AMENDABILITY DEBATE

• In Kesavananda Bharati (1973), it was argued that the Preamble cannot be amended because it is not part of the Constitution. The Court held that it is part of the Constitution and can be amended.

• However, the basic elements or fundamental features in the Preamble cannot be destroyed by amendment.

THE 42nd AMENDMENT, 1976 - 'MINI-CONSTITUTION'

• Preamble: 'Socialist', 'Secular', 'Integrity'.

• Fundamental Duties (Part IVA, Article 51A).

• New Directive Principles: Articles 39A, 43A, 48A.

• Five subjects moved from the State List to the Concurrent List, including education and forests.

• It made the President bound by ministerial advice (Article 74).

WHY THE 44th DID NOT UNDO IT

The Janata government restored many safeguards, but there was broad political consensus that India's socialist and secular commitments should stay.

**Preamble before and after 1976**

| Phrase | Original (1950) | After 42nd Amendment |
|---|---|---|
| Nature of State | Sovereign Democratic Republic | Sovereign Socialist Secular Democratic Republic |
| Fraternity assuring | Unity of the Nation | Unity and integrity of the Nation |

Preamble amended once only (42nd, 1976), adding three words. The 44th did not touch it. Special majority only; no State ratification.

**37** **With reference to the judicial interpretation of the Preamble, consider the following statements:**

1. In the Berubari Union case (1960), the Supreme Court held that the Preamble is not a part of the Constitution.
2. In Kesavananda Bharati (1973), the Supreme Court held that the Preamble is a part of the Constitution and can be amended, provided the basic features are not damaged.
3. The Preamble is a source of substantive power for Parliament to make laws.
4. A citizen can approach a court to enforce the ideals in the Preamble in the same way as a Fundamental Right.

**How many of the statements given above are correct?**

| | |
|---|---|
| (a) Only one | **(b) Only two ✓** |
| (c) Only three | (d) All four |

**A limited number of places. One honest question: are you holding yours?**

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**Explanation**

**The correct answer is (b) Only two. Statements 1 and 2 are correct. Statement 3 is wrong because the Preamble is neither a source of power nor a source of prohibitions on the legislature. Statement 4 is wrong because the Preamble is non-justiciable: its ideals cannot be enforced by a court directly.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. In the Berubari Union reference (1960), the Court said the Preamble shows the general purposes of the makers and is a key to their minds, but held that it is not part of the Constitution. It can be used to interpret an ambiguous provision.

• Statement 2 - CORRECT. In Kesavananda Bharati (1973), the Court rejected the Berubari view and held that the Preamble is part of the Constitution. Hence it can be amended under Article 368, but not so as to destroy the basic features it embodies. LIC of India (1995) again held that the Preamble is an integral part of the Constitution.

• Statement 3 - WRONG, for the reason in the verdict. Legislative powers come from the operative provisions, mainly Articles 245-248 and the Seventh Schedule.

• Statement 4 - WRONG, for the reason in the verdict. Fundamental Rights are enforceable under Articles 32 and 226; the Preamble's ideals work through the operative provisions and through interpretation.

TOPIC REVISION - HOW COURTS USE THE PREAMBLE

• As an aid to interpretation where a provision is ambiguous.

• As an expression of the Constitution's basic features: sovereignty, democracy, republicanism, secularism, justice and the dignity of the individual have all been treated as part of the basic structure.

• It cannot override an express provision of the Constitution.

INTERESTING FACT

The Preamble was taken up last by the Constituent Assembly, after the other provisions had been settled, so that it would be in conformity with them. This was one of the points considered in Kesavananda when holding it to be part of the Constitution.

DESCRIPTIONS WORTH REMEMBERING

K.M. Munshi called it the 'horoscope' of the sovereign democratic republic; N.A. Palkhivala called it the 'identity card' of the Constitution; Thakurdas Bhargava called it the 'soul' of the Constitution.

**The Preamble in the Supreme Court**

| Case | Year | Holding |
|---|---|---|
| Berubari Union (reference) | 1960 | Not a part of the Constitution |
| Kesavananda Bharati | 1973 | Part of the Constitution; amendable within basic structure |
| LIC of India | 1995 | Integral part of the Constitution |

> Berubari (1960): not a part. Kesavananda (1973) and LIC (1995): part. Even as a part, it is non-justiciable and is neither a source of power nor of limitation.

**38**

**With reference to the meaning of the terms used in the Preamble, consider the following statements:**

1. The term 'Republic' indicates that the head of the State is elected and that no office is hereditary.
2. The term 'Sovereign' means that India cannot cede any part of its territory to a foreign State.
3. The term 'Democratic' in the Preamble is used in a broad sense that embraces social and economic democracy as well as political democracy.

**Which of the statements given above is/are correct?**

(a) 1 and 2 only

(b) 2 and 3 only

**(c) 1 and 3 only ✓**

(d) 1, 2 and 3

**Explanation**

**The correct answer is (c) 1 and 3 only. Statement 2 is wrong: as a sovereign State, India can acquire foreign territory and can also cede its own territory to a foreign State, by following the procedure laid down by law (a constitutional amendment, as held in the Berubari reference).**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. A republic has an elected head of State for a fixed term; a monarchy has a hereditary one. India's President is elected indirectly for five years (Article 54). 'Republic' also means that political sovereignty lies with the people, and that public offices are open to every citizen without discrimination.

• Statement 2 - WRONG, for the reason in the verdict. Sovereignty means that India is neither a dependency nor a dominion of any other nation, and is free to conduct its own internal and external affairs. Membership of the Commonwealth or the United Nations does not limit this sovereignty.

• Statement 3 - CORRECT. Political democracy rests on popular sovereignty, adult franchise, periodic elections, rule of law, independent judiciary and absence of discrimination. Dr. Ambedkar stressed that political democracy cannot last unless social democracy - a way of life recognising liberty, equality and fraternity - lies at its base. The Preamble's call for social and economic justice reflects this broader idea.

TOPIC REVISION - FORMS OF DEMOCRACY

• India has a representative (indirect) democracy with a parliamentary form of government.

• Some instruments of direct democracy - referendum, initiative, recall and plebiscite - are not part of the Indian system at the national level.

THE FIVE TERMS DESCRIBING THE STATE

• Sovereign: independent internally and externally.

• Socialist: democratic socialism, a mixed economy aimed at ending poverty and inequality.

• Secular: equal respect for all religions; no State religion.

• Democratic: power derives from the people.

• Republic: elected head of State; offices open to all citizens.

**Terms describing the Indian State**

| Term | Meaning |
|---|---|
| Sovereign | Free in internal and external affairs; can acquire or cede territory |
| Socialist | Democratic socialism; mixed economy |
| Secular | Equal respect for all religions; no State religion |
| Democratic | Political, social and economic democracy |
| Republic | Elected head of State; no hereditary office |

> Sovereignty includes the power to cede territory (by constitutional amendment, per Berubari). 'Democratic' includes social and economic democracy.

**The exam ranks everyone together, whatever language they write in. So does this.**

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**39** **With reference to the ideals of secularism and socialism in the Constitution of India, consider the following statements:**

1. Although the word 'secular' was not in the original Constitution, Articles 25 to 28 embodied the idea of a secular State from the start.
2. The 'socialism' in the Preamble is generally understood as democratic socialism with a mixed economy, rather than the abolition of private property.
3. In S.R. Bommai v. Union of India (1994), the Supreme Court held secularism to be a basic feature of the Constitution.

**Which of the statements given above is/are correct?**

(a) 1 and 2 only

(b) 2 and 3 only

(c) 1 and 3 only

**(d) 1, 2 and 3 ✓**

**Explanation**

**The correct answer is (d) 1, 2 and 3. All three statements are correct. Indian secularism and socialism were part of the constitutional design before 1976; the 42nd Amendment made them explicit in the Preamble.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. Freedom of conscience and religion (Article 25), freedom to manage religious affairs (Article 26), no taxes to promote a particular religion (Article 27) and no religious instruction in wholly State-funded institutions (Article 28) were in the Constitution from 1950. Equality and non-discrimination on grounds of religion (Articles 14, 15, 16) and Articles 29-30 complete the picture.
• Statement 2 - CORRECT. Indian socialism is 'democratic socialism', not communistic socialism: it accepts a mixed economy in which public and private sectors co-exist, and aims at ending poverty, ignorance, disease and inequality of opportunity. Since the liberalisation of 1991, its emphasis has shifted, but the democratic framework remains.
• Statement 3 - CORRECT. In S.R. Bommai (1994), the Court held that secularism is part of the basic structure, and that a State government acting against it can be dismissed under Article 356.

TOPIC REVISION - THE INDIAN CONCEPT OF SECULARISM

• It is 'positive' secularism: the State gives equal respect to all religions ('sarva dharma sambhava') and keeps a principled distance from them.
• It is not the Western idea of a complete 'wall of separation' between Church and State. The Indian State can regulate secular activities connected with religion and undertake social reform (Article 25(2)).
• The State has no official religion.

THE 42nd AMENDMENT (1976)

• It added 'Socialist', 'Secular' and 'Integrity' to the Preamble.
• It was enacted during the Emergency, on the recommendations of the Swaran Singh Committee.
• Whether the words merely made explicit what was already implicit, or changed the Constitution's character, has been debated. The Supreme Court has treated both ideals as consistent with the Constitution's original design.

**Western vs Indian secularism**

| Aspect | Western model | Indian model |
|---|---|---|
| State and religion | Strict separation | Principled distance; equal respect |
| Religious reform by State | Generally not permitted | Permitted (Art. 25(2)) |
| Aid to religious institutions | Generally not given | Can be given without discrimination |

Secularism and socialism were implicit from 1950 and made explicit in 1976. Indian secularism = equal respect for all religions, not a 'wall of separation'. Bommai (1994) = basic feature.

**Write in your language. Be ranked against everyone. Nothing here is measured in a smaller room.**

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**40** **With reference to the text of the Preamble to the Constitution of India, consider the following statements:**

1. It describes India as a Sovereign Socialist Secular Democratic Republic.
2. It describes India as a federation of States.
3. It seeks to secure economic liberty to all citizens.
4. The words 'and integrity' in the phrase 'unity and integrity of the Nation' were inserted by the 44th Amendment Act, 1978.

**How many of the statements given above are correct?**

| | |
|---|---|
| **(a) Only one ✓** | (b) Only two |
| (c) Only three | (d) All four |

**Explanation**

**The correct answer is (a) Only one. Only Statement 1 is correct. The Preamble does not use the word 'federation'; it promises liberty of thought, expression, belief, faith and worship (not 'economic liberty'); and 'and integrity' was inserted by the 42nd Amendment (1976), not the 44th.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. The original Preamble read 'Sovereign Democratic Republic'. The 42nd Amendment (1976) added 'Socialist' and 'Secular' to make it 'Sovereign Socialist Secular Democratic Republic'.

• Statement 2 - WRONG. Neither the Preamble nor any Article describes India as a 'federation'. Article 1 calls India a 'Union of States', and the Preamble describes the nature of the Indian State, not its federal form.

• Statement 3 - WRONG. 'Economic' appears in the Preamble only with JUSTICE ('social, economic and political'). Liberty in the Preamble is of thought, expression, belief, faith and worship. This is a favourite UPSC trap.

• Statement 4 - WRONG. The 42nd Amendment inserted 'and integrity'. The 44th Amendment (1978) did not touch the Preamble; it is the only amendment so far to the Preamble.

THE TEXT AT A GLANCE

'WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens: JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and of opportunity; and to promote among them all FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation; IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.'

TOPIC REVISION - FOUR COMPONENTS OF THE PREAMBLE

• Source of authority: the people of India.
• Nature of the Indian State: sovereign, socialist, secular, democratic and republican.
• Objectives: justice, liberty, equality and fraternity.
• Date of adoption: 26 November 1949.

WHERE THE IDEALS COME FROM

• Justice (social, economic, political): the Russian Revolution (1917).
• Liberty, equality and fraternity: the French Revolution.
• The opening words 'We, the people': echo the Preamble to the US Constitution.

The Preamble itself was based on Nehru's Objectives Resolution.

**Objectives in the Preamble**

| Ideal | Forms named in the Preamble |
|---|---|
| Justice | Social, economic, political |
| Liberty | Thought, expression, belief, faith, worship |
| Equality | Status and opportunity |
| Fraternity | Dignity of the individual; unity and integrity of the Nation |

'Economic' goes with JUSTICE, not liberty. 'Federation' is not in the Preamble. The 42nd Amendment added 'Socialist', 'Secular' and 'Integrity'; the 44th did not amend the Preamble.

**41** **In the following question, an Assertion (A) is followed by a Reason (R). Select the correct option from the codes given below.**

**Assertion (A):** The original Constitution classified the States into four categories - Part A, Part B, Part C and Part D.

**Reason (R):** The Constitution (Seventh Amendment) Act, 1956 abolished this classification and reorganised the units into States and Union Territories.

(a) Both A and R are true and R is the correct explanation of A

**(b) Both A and R are true but R is NOT the correct explanation of A ✓**

(c) A is true but R is false

(d) A is false but R is true

**The costliest mistake in this exam isn't a wrong answer. It's a year you can't get back.**

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**Explanation**

**The correct answer is (B): both A and R are true, but R is not the correct explanation of A. R describes how the fourfold classification was later abolished; it does not explain why the original Constitution adopted it.**

ASSERTION - TRUE
• In 1950, the First Schedule listed 29 units in four categories:
- Part A (9): the former Governors' provinces of British India;
- Part B (9): former princely States or unions of them, headed by a Rajpramukh;
- Part C (10): former Chief Commissioners' provinces and some princely States, administered by the Centre;
- Part D (1): the Andaman and Nicobar Islands.
• The classification reflected the haste with which British provinces and princely States had been integrated after 1947 - it was a temporary arrangement.

REASON - TRUE, BUT IT DOES NOT EXPLAIN A
• The 7th Amendment, together with the States Reorganisation Act, 1956, abolished the four categories and created 14 States and 6 Union Territories from 1 November 1956.
• It is a later event that ended the classification, so it cannot be the reason for the classification in the original Constitution.

TOPIC REVISION - OTHER CHANGES BY THE 7th AMENDMENT (1956)
• It provided for a common High Court for two or more States.
• It allowed one person to be appointed Governor of two or more States.
• It reorganised the representation of States in Parliament.
• It abolished the office of Rajpramukh.

HOW TO APPROACH SUCH A-R QUESTIONS
When both statements are true, ask whether R answers the question 'why is A true?'. A later development rarely explains an earlier state of affairs.

**States under the original Constitution (1950)**

| Category | Number | Description |
|---|---|---|
| Part A | 9 | Former Governors' provinces |
| Part B | 9 | Former princely States, under Rajpramukhs |
| Part C | 10 | Former Chief Commissioners' provinces and some princely States |
| Part D | 1 | Andaman and Nicobar Islands |

Part A/B/C/D existed from 1950 to 1956. The 7th Amendment abolished them - a later event, so it cannot explain A.

**42** **In the following question, an Assertion (A) is followed by a Reason (R). Select the correct option from the codes given below.**

**Assertion (A):** Parliament can alter the name of a State even if the legislature of that State opposes the change.

**Reason (R):** Under Article 3, the views of the State Legislature on a reorganisation Bill are not binding on Parliament.

**(a) Both A and R are true and R is the correct explanation of A ✓**

(b) Both A and R are true but R is NOT the correct explanation of A

(c) A is true but R is false

(d) A is false but R is true

**Explanation**

**The correct answer is (A): both A and R are true, and R correctly explains A. Because the State Legislature's views are advisory, Parliament can legally rename a State over its objection.**

ASSERTION - TRUE

• Article 3(e) empowers Parliament, by law, to alter the name of any State. The Constitution does not make the consent of the State a condition.

REASON - TRUE, AND IT EXPLAINS A

• The proviso to Article 3 requires the President to refer the Bill to the State Legislature for its views within a specified period. Once that has been done, Parliament may proceed whether the State agrees, disagrees or does not respond.

• Since the views are not binding, the State Legislature's opposition cannot stop Parliament - this is exactly what makes A true.

TOPIC REVISION - THE FULL PROCEDURE

• The Bill is introduced only on the President's recommendation.

• The President refers it to the affected State Legislature, if the proposal affects a State's area, boundaries or name.

• The Bill is passed by a simple majority in each House.

• The law amends the First Schedule (and the Fourth Schedule if Rajya Sabha seats change); under Article 4 this is not an amendment under Article 368.

IN PRACTICE

Name changes have usually begun with a resolution of the State Legislature itself - for example Madras to Tamil Nadu (1969) and Orissa to Odisha (2011). Political convention therefore respects State wishes, but the legal power rests with Parliament.

LINK TO FEDERALISM

This is one of the features cited when the Constitution is called 'quasi-federal': in a classical federation, a State's identity and territory would be protected by the need for its consent.

> State's views must be SOUGHT (for States, not UTs) but need not be FOLLOWED. Name change = Article 3(e), simple majority.

**43** **With reference to the powers of Parliament under Article 3 of the Constitution, which one of the following statements is correct?**

(a) Parliament may form a new State only out of existing States, never out of a Union Territory

**(b) Parliament may treat a Union Territory as a 'State' under the main clauses of Article 3 ✓**

(c) Parliament may alter the name of a State only with the consent of the State's legislature

(d) A State Legislature may itself change the State's name by a resolution passed by two-thirds

**A test tells you where you stand. Daily practice is how you move.**

**Both are in the Testogram app.**

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**Explanation**

**The correct answer is (b). The 18th Amendment Act, 1966 added an Explanation to Article 3: in clauses (a) to (e), 'State' includes a Union Territory, though in the proviso it does not.**

OPTION-WISE ANALYSIS

• Option (a) - WRONG. After the 18th Amendment, Parliament may form a new State or Union Territory by uniting a part of any State or Union Territory to any other State or Union Territory. Several States were formed from Union Territories - for example Himachal Pradesh (1971), Manipur and Tripura (1972), and Goa, Mizoram and Arunachal Pradesh (1987).

• Option (b) - CORRECT, for the reason in the verdict. This is why the reference to a legislature in the proviso is required only for States, not for Union Territories.

• Option (c) - WRONG. Consent is not required. The President must seek the State Legislature's views, but they do not bind Parliament. Thus Parliament changed the names of Madras to Tamil Nadu (1969), Mysore to Karnataka (1973), Uttaranchal to Uttarakhand (2006) and Orissa to Odisha (2011).

• Option (d) - WRONG. A State cannot change its own name. A State Legislature may pass a resolution REQUESTING a change, but the change can be made only by Parliament through a law under Article 3.

TOPIC REVISION - THE CONSTITUTIONAL LOGIC

• The Constitution gives Parliament, not the States, control over the territorial map of India.

• This reflects the framers' concern for national unity after Partition and the integration of the princely States.

• Contrast with the USA, where a State's territory cannot be changed without its consent.

THE 'INDESTRUCTIBLE UNION OF DESTRUCTIBLE STATES'

• Indestructible Union: no State can secede.

• Destructible States: Parliament can, by a simple majority law, change their area, boundaries or name, or even abolish a State by merging it.

**Selected changes of State names**

| Old name | New name | Year |
|---|---|---|
| Madras | Tamil Nadu | 1969 |
| Mysore | Karnataka | 1973 |
| Uttaranchal | Uttarakhand | 2006 |
| Orissa | Odisha | 2011 |

> 18th Amendment (1966): 'State' in Article 3 clauses (a)-(e) includes a UT. States cannot rename themselves; Parliament does it by law, without needing State consent.

**44** **Which one of the following became a State of the Indian Union through the admission of a territory that was not a part of India before?**

**(a) Sikkim, formerly an Indian protectorate ✓**

(b) Goa, which became a State in the year 1987

(c) Nagaland, which was carved out of Assam

(d) Telangana, which was carved out of Andhra Pradesh

If you only find out on result day, you found out too late.

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**Explanation**

**The correct answer is (a). Sikkim was an Indian protectorate, not a part of India. It became an associate State in 1974 (35th Amendment) and a full State of the Indian Union in 1975 (36th Amendment). This is the domain of Article 2 - admission of new States.**

OPTION-WISE ANALYSIS

• Option (a) - CORRECT, for the reason in the verdict. In 1974, the Sikkim Assembly sought closer links with India. The 35th Amendment inserted Article 2A and the Tenth Schedule (later repealed) to make Sikkim an 'associate State'. After a referendum in Sikkim in 1975, the 36th Amendment made it a full State (the 22nd), with special provisions in Article 371F.

• Option (b) - WRONG. Goa was acquired in 1961 and made a Union Territory (with Daman and Diu) by the 12th Amendment (1962). It was already part of India when it became a State in 1987 - an internal reorganisation.

• Option (c) - WRONG. Nagaland was formed in 1963 by taking the Naga Hills and Tuensang area out of Assam - an exercise under Article 3.

• Option (d) - WRONG. Telangana was formed in 2014 by the Andhra Pradesh Reorganisation Act, again under Article 3.

TOPIC REVISION - ARTICLE 2 vs ARTICLE 3

• Article 2: admission into the Union, or establishment, of new States that are NOT part of India. The terms and conditions are for Parliament to decide.

• Article 3: reorganisation of States that ARE already part of India.

• Both kinds of law are excluded from Article 368 by Article 4.

THE ACQUIRED TERRITORIES

• Dadra and Nagar Haveli: 10th Amendment (1961).

• Goa, Daman and Diu: 12th Amendment (1962).

• Puducherry: 14th Amendment (1962).

These were acquired from Portugal and France and first became Union Territories. Only Goa later became a State.

WHY IT MATTERS

UPSC tests whether candidates can distinguish becoming part of India (acquisition or admission) from becoming a State (often a later reorganisation).

**How some States came into being**

| State | Year of statehood | Origin |
|---|---|---|
| Sikkim | 1975 | Former protectorate admitted into the Union |
| Goa | 1987 | Union Territory (acquired 1961) |
| Nagaland | 1963 | Carved out of Assam |
| Telangana | 2014 | Carved out of Andhra Pradesh |

Sikkim = admission of a territory not part of India (35th and 36th Amendments). Goa was already part of India (acquired 1961) when it became a State in 1987.

**45** **The Indian federation is described as 'an indestructible Union of destructible States'. Which provision of the Constitution most directly makes the States 'destructible'?**

(a) Article 1, which describes India as a Union of States

(b) Article 2, which provides for the admission of new States

**(c) Article 3, which lets Parliament alter the States by law ✓**

(d) Article 368, which sets out the power of constitutional amendment

**Explanation**

**The correct answer is (c). Article 3 empowers Parliament, by an ordinary law and without the consent of the States, to form new States, change their areas and boundaries, alter their names, or merge them. This makes the States 'destructible'.**

OPTION-WISE ANALYSIS

• Option (a) - WRONG. Article 1 explains the INDESTRUCTIBLE part of the phrase. The word 'Union' was chosen, as Dr. Ambedkar explained, because the federation is not the result of an agreement among States, and no State has the right to secede from it.

• Option (b) - WRONG. Article 2 deals with admitting new territories into the Union; it adds States, rather than reshaping existing ones.

• Option (c) - CORRECT, for the reason in the verdict.

• Option (d) - WRONG. Article 4 expressly takes laws under Article 3 outside Article 368. The territory of States can be changed without a constitutional amendment; Article 368 is needed only when territory is ceded to a foreign State.

TOPIC REVISION - WHY THE FRAMERS WANTED THIS

• Partition and the integration of more than 500 princely States made a flexible map necessary.

• The demand for linguistic States was already strong; the framers wanted Parliament to handle it without repeated constitutional amendments.

THE INDIAN vs THE AMERICAN MODEL

• USA: an 'indestructible Union of indestructible States' - the federation was formed by agreement among States, and a State's territory cannot be altered without its consent.

• India: the Union came first; the States are its creations and can be reorganised by Parliament.

CRITICISM AND PRACTICE

Critics argue that Article 3 gives the Centre too much power over the States. In practice, Parliament has usually reorganised States in response to popular demand, and Bills are referred to the State legislatures for their views, though those views are not binding.

**Indian and American federations compared**

| Aspect | India | USA |
|---|---|---|
| Origin | Union not formed by agreement of States | Formed by agreement of States |
| Right to secede | No | No |
| Alteration of State territory | By Parliament, without consent | Needs State consent |

Indestructible Union = Article 1 (no secession). Destructible States = Article 3 (Parliament can redraw them by ordinary law). Article 4 keeps this outside Article 368.

**46** **With reference to the features of the Fundamental Duties, consider the following statements:**

1. The Fundamental Duties are confined to citizens and do not extend to foreigners.
2. The idea of including Fundamental Duties was inspired by the Constitution of the former USSR.
3. Among the constitutions of major democracies, the Japanese Constitution is one of the few that contains a list of duties of citizens.
4. The Justice Verma Committee (1999) identified existing legal provisions for the implementation of some Fundamental Duties.

**How many of the statements given above are correct?**

(a) Only one

(b) Only two

(c) Only three

**(d) All four ✓**

**Practise daily, and the test stops being a surprise.**

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**Explanation**

**The correct answer is (d) All four. Each statement describes a recognised feature of the Fundamental Duties in Part IVA.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. Article 51A begins 'It shall be the duty of every citizen of India...'. By contrast, some Fundamental Rights (Articles 14, 20, 21, 25 and others) are available to all persons.

• Statement 2 - CORRECT. The constitutions of socialist countries such as the former USSR gave equal place to the rights and duties of citizens; the 42nd Amendment drew on that idea.

• Statement 3 - CORRECT. Standard texts note that, among democratic countries, the Japanese Constitution is perhaps the only one containing a list of duties of citizens. Most Western democracies, such as the USA, do not list citizens' duties in the constitution.

• Statement 4 - CORRECT. The Verma Committee on the Fundamental Duties of Citizens identified laws that already give effect to some duties: the Prevention of Insults to National Honour Act, 1971; the Protection of Civil Rights Act, 1955; the Wild Life (Protection) Act, 1972 and the Forest (Conservation) Act, 1980; and provisions of criminal law on promoting enmity between groups.

TOPIC REVISION - OTHER FEATURES

• Some duties are moral (cherishing the ideals of the freedom struggle) and some civic (respecting the Constitution, the National Flag and the National Anthem).

• They refer to values that are part of the Indian tradition, mythology, religions and practices - codifying tasks that are integral to the Indian way of life.

• They are non-justiciable: the Constitution provides no direct way to enforce them.

CRITICISM

• The list is not exhaustive (it omits voting, paying taxes, family planning).

• Some duties are vague and difficult for ordinary people to understand ('noble ideals', 'composite culture').

• Placing them in Part IVA, after Part IV, reduced their value and significance, some critics say.

SIGNIFICANCE

They remind citizens that rights come with responsibilities, warn against anti-national and anti-social activities, and help courts examine the constitutional validity of laws.

> Fundamental Duties: citizens only; USSR inspiration; Japan as a democratic parallel; Verma Committee (1999) on implementation.

**47** **With reference to the duties listed in Article 51A of the Constitution of India, consider the following statements:**

1. Every citizen has a duty to protect and improve the natural environment and to have compassion for living creatures.
2. Every citizen has a duty to develop the scientific temper, humanism and the spirit of inquiry and reform.
3. Every citizen has a duty to vote in elections to the Lok Sabha and the State Legislative Assemblies.
4. Every citizen has a duty to pay taxes.

**How many of the statements given above are correct?**

| | |
|---|---|
| (a) Only one | **(b) Only two ✓** |
| (c) Only three | (d) All four |

**Explanation**

**The correct answer is (b) Only two. Statements 1 and 2 are correct (Article 51A(g) and (h)). There is no Fundamental Duty to vote, and the duty to pay taxes, though recommended by the Swaran Singh Committee, was not included.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. Article 51A(g): to protect and improve the natural environment, including forests, lakes, rivers and wildlife, and to have compassion for living creatures. It complements Article 48A, the Directive Principle on environment, both added by the 42nd Amendment.

• Statement 2 - CORRECT. Article 51A(h). Courts have cited it in cases on superstition and in support of rational public policy.

• Statement 3 - WRONG. Voting is a statutory right under the Representation of the People Act; neither the Constitution nor any law makes voting compulsory at the national level.

• Statement 4 - WRONG. The Swaran Singh Committee (1976) recommended eight duties including a duty to pay taxes, but this duty was not adopted.

TOPIC REVISION - THE ELEVEN DUTIES (Article 51A)

(a) abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
(b) cherish the noble ideals of the freedom struggle;
(c) uphold the sovereignty, unity and integrity of India;
(d) defend the country and render national service when called upon;
(e) promote harmony and the spirit of common brotherhood, and renounce practices derogatory to the dignity of women;
(f) value and preserve the rich heritage of our composite culture;
(g) protect the natural environment;
(h) develop scientific temper, humanism and the spirit of inquiry and reform;
(i) safeguard public property and abjure violence;
(j) strive towards excellence in all spheres of individual and collective activity;
(k) parents or guardians to provide opportunities for education to children aged 6 to 14 (86th Amendment, 2002).

WHAT THE COMMITTEE RECOMMENDED BUT WAS NOT ADOPTED

A duty to pay taxes, penalties for non-compliance, and a bar on challenging such laws for violating Fundamental Rights.

**Fundamental Duties: frequently tested clauses**

| Clause | Duty |
|---|---|
| 51A(a) | Respect the Constitution, National Flag and National Anthem |
| 51A(f) | Preserve the heritage of composite culture |
| 51A(g) | Protect the natural environment; compassion for living creatures |
| 51A(h) | Scientific temper, humanism, inquiry and reform |
| 51A(k) | Parents to provide education to children aged 6-14 |

No Fundamental Duty to vote or to pay taxes. Environment = 51A(g); scientific temper = 51A(h); public property = 51A(i).

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**48** **With reference to the enforcement and judicial use of the Fundamental Duties, consider the following statements:**

1. A court may treat a law that gives effect to a Fundamental Duty as a 'reasonable' restriction for the purposes of Articles 14 and 19.
2. A court can punish a citizen for failing to perform a Fundamental Duty even where no law makes that failure an offence.
3. Parliament can provide for the enforcement of Fundamental Duties, including penalties for their violation, by suitable legislation.

**Which of the statements given above is/are correct?**

(a) 1 and 2 only

(b) 2 and 3 only

**(c) 1 and 3 only ✓**

(d) 1, 2 and 3

**Explanation**

**The correct answer is (c) 1 and 3 only. Statement 2 is wrong: Fundamental Duties are not directly enforceable. A citizen can be punished only for an act that a valid law makes an offence (Article 20(1)).**

STATEMENT-WISE ANALYSIS
• Statement 1 - CORRECT. The Supreme Court has held that, in deciding the constitutionality of a law, if the court finds that the law seeks to give effect to a Fundamental Duty, it may consider the law 'reasonable' in relation to Article 14 or Article 19 and so save it from invalidity.
• Statement 2 - WRONG, for the reason in the verdict. There is no constitutional mechanism of punishment for breach of a duty as such.
• Statement 3 - CORRECT. Parliament may enforce the duties through ordinary laws - for example, the Prevention of Insults to National Honour Act, 1971 (Article 51A(a)) and laws on wildlife and forests (Article 51A(g)).

TOPIC REVISION - FUNDAMENTAL DUTIES IN THE COURTS
• AIIMS Students' Union v. AIIMS (2001): the Court said Fundamental Duties, though not enforceable by writ, are equally important as Fundamental Rights and provide a guide to interpreting constitutional and legal issues.
• In environment cases (M.C. Mehta), the Court directed governments to make environmental education part of school curricula, drawing on Article 51A(g).
• Courts have cited Article 51A(a) and (c) in cases on respect for the National Anthem and the National Flag.

RELATIONSHIP WITH OTHER PARTS
• Rights and duties are correlative: Article 19(2) allows restrictions in the interests of the sovereignty and integrity of India, and Article 51A(c) asks citizens to uphold them.
• Article 48A (State) and Article 51A(g) (citizens) together express the environmental mandate.

THE KEY RULE
Duties can shape how courts read laws and rights, but cannot by themselves create offences or obligations enforceable by a court.

> Duties can SAVE a law as reasonable, and Parliament can enforce them by law; courts cannot punish non-performance directly.

**49** **In the following question, an Assertion (A) is followed by a Reason (R). Select the correct option from the codes given below.**

**Assertion (A):** Judicial review is a part of the basic structure of the Constitution.

**Reason (R):** The Constitution expressly lists judicial review among the features that cannot be amended.

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**Explanation**

**The correct answer is (C): A is true, but R is false. The Constitution contains no list of unamendable features. The basic structure, including judicial review, has been identified by the Supreme Court.**

ASSERTION - TRUE

• Kesavananda Bharati (1973), Indira Gandhi v. Raj Narain (1975), Minerva Mills (1980) and L. Chandra Kumar (1997) treat judicial review as a basic feature.

• As a result, Parliament cannot amend the Constitution to exclude judicial review of laws or of constitutional amendments.

REASON - FALSE

• Article 368 places no express limits on the amending power. Indeed, Article 368(4)-(5), inserted by the 42nd Amendment, said the opposite - that amendments could not be questioned and that the power was unlimited - and those clauses were struck down in Minerva Mills.

• The basic structure doctrine is a judicial creation, derived from the nature of the Constitution, the Preamble and the meaning of 'amendment'.

TOPIC REVISION - CONSTITUTIONS WITH EXPRESS ETERNITY CLAUSES

Some constitutions, such as Germany's Basic Law (Article 79(3)), expressly forbid amendments to certain core principles. India has no such clause; the courts fill this role.

WHERE JUDICIAL REVIEW COMES FROM IN THE TEXT

• Article 13 (laws inconsistent with Fundamental Rights are void).

• Articles 32 and 226 (writ jurisdiction).

• Article 131 and Article 246 (division of powers), which courts enforce.

CRITICISM AND DEFENCE

Critics say the doctrine lets unelected judges limit the elected Parliament. Supporters say it protects the Constitution's identity against temporary majorities, as the 1975-77 experience showed.

> Basic structure = judge-made; the Constitution has no express list of unamendable features (unlike Germany's Article 79(3)).

**50** **In the following question, an Assertion (A) is followed by a Reason (R). Select the correct option from the codes given below.**

**Assertion (A):** Parliament can amend the Fundamental Rights contained in Part III of the Constitution.

**Reason (R):** Article 13(4), inserted by the 24th Amendment, provides that nothing in Article 13 applies to an amendment made under Article 368.

| | |
|---|---|
| **(a) Both A and R are true and R is the correct explanation of A ✓** | (b) Both A and R are true but R is NOT the correct explanation of A |
| (c) A is true but R is false | (d) A is false but R is true |

**Explanation**

**The correct answer is (A): both A and R are true, and R correctly explains A. Because Article 13 does not apply to constitutional amendments, an amendment abridging a Fundamental Right is not void under Article 13 - subject only to the basic structure limit.**

ASSERTION - TRUE

• Parliament has amended Fundamental Rights many times - for example the 1st (Article 15(4), restrictions in Article 19), 16th (sovereignty and integrity in Article 19), 44th (removal of the right to property), 86th (Article 21A), 93rd (Article 15(5)) and 103rd (EWS) Amendments.

• Kesavananda Bharati (1973) confirmed the power, while holding that the basic structure cannot be destroyed.

REASON - TRUE, AND IT EXPLAINS A

• Golaknath (1967) had held that an amendment is a 'law' under Article 13(2), so it could not abridge Fundamental Rights.

• The 24th Amendment removed that obstacle by inserting Article 13(4) and Article 368(3). Kesavananda upheld the 24th Amendment.

• So R is the constitutional basis on which A rests.

TOPIC REVISION - THE LIMIT

• An amendment that destroys the essence of a Fundamental Right forming part of the basic structure (for example equality, or the freedom and dignity of the individual) can be struck down.

• In I.R. Coelho (2007), the Court held that the 'essence' of rights in Articles 14, 19 and 21 is part of the basic structure.

HOW TO APPROACH SUCH A-R QUESTIONS

If R states the provision that makes A possible, R explains A.

> Article 13(4) and 368(3) (24th Amendment) let amendments reach Part III; the only limit is the basic structure.

**51** **In Indira Gandhi v. Raj Narain (1975), the Supreme Court struck down which one of the following constitutional provisions?**

**(a) Clause (4) of Article 329A, inserted by the 39th Amendment ✓**

(b) Article 31C as originally inserted by the 25th Amendment Act

(c) Clause (4) of Article 368, inserted by the 42nd Amendment Act

(d) Clause (4) of Article 13, inserted by the 24th Amendment Act

**Explanation**

**The correct answer is (a). The 39th Amendment (1975) inserted Article 329A, placing disputes over the election of the Prime Minister and the Speaker beyond the courts and, in clause (4), validating Indira Gandhi's election despite the Allahabad High Court's judgment. The Supreme Court struck down clause (4) as destroying the basic structure.**

OPTION-WISE ANALYSIS

• Option (a) - CORRECT, for the reason in the verdict. The Court held that free and fair elections, democracy, the rule of law and judicial review are basic features, and that Parliament cannot decide an election dispute itself by a constitutional amendment. Article 329A was later repealed by the 44th Amendment (1978).
• Option (b) - WRONG. The first part of Article 31C was upheld in Kesavananda Bharati (1973); only its 'declaration' clause was struck down.
• Option (c) - WRONG. Article 368(4)-(5), inserted by the 42nd Amendment (1976), was struck down later, in Minerva Mills (1980).
• Option (d) - WRONG. Article 13(4) was upheld in Kesavananda Bharati.

TOPIC REVISION - BACKGROUND

• In June 1975, the Allahabad High Court set aside Indira Gandhi's 1971 election from Rae Bareli for electoral malpractices (Raj Narain's petition).
• The internal Emergency was proclaimed on 25 June 1975.
• The 39th Amendment (August 1975) sought to place the election beyond judicial review.
• In November 1975, the Supreme Court upheld the election on other grounds (after the election law had been amended), but struck down clause (4) of Article 329A.

WHY IT MATTERS

• It was the first case after Kesavananda in which the basic structure doctrine was applied to strike down a constitutional amendment.
• It established 'free and fair elections' as a basic feature.
• The majority also held that ordinary laws are tested against specific constitutional provisions, not directly against the basic structure.

**Amendments tested against the basic structure**

| Amendment | Provision | Fate |
|---|---|---|
| 24th (1971) | Article 13(4) | Upheld (Kesavananda) |
| 25th (1971) | Article 31C declaration clause | Struck down (Kesavananda) |
| 39th (1975) | Article 329A(4) | Struck down (Raj Narain) |
| 42nd (1976) | Article 368(4)-(5) | Struck down (Minerva Mills) |

> Raj Narain (1975) → Article 329A(4) (39th Amendment) struck down. Article 368(4) fell in Minerva Mills (1980). Articles 13(4) and 31C (first part) were upheld.

**A wrong answer you understand is worth more than a right one you guessed.**

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**52** **An amendment to which one of the following requires ratification by the legislatures of at least half of the States?**

| | |
|---|---|
| (a) The Fundamental Rights contained in Part III of the Constitution | **(b) The representation of the States in Parliament ✓** |
| (c) The name, area or boundaries of an existing State | (d) The Directive Principles contained in Part IV |

**Explanation**

**The correct answer is (b). The representation of the States in Parliament is one of the federal matters listed in the proviso to Article 368(2), so its amendment needs a special majority in Parliament and ratification by half of the State legislatures.**

OPTION-WISE ANALYSIS
• Option (a) - WRONG. Fundamental Rights are amended by a special majority of Parliament alone; State ratification is not needed.
• Option (b) - CORRECT, for the reason in the verdict.
• Option (c) - WRONG. Changes to the name, area or boundaries of States are made by an ordinary law under Articles 3 and 4, by a simple majority - not under Article 368 at all.
• Option (d) - WRONG. Directive Principles, like Fundamental Rights, need only a special majority.

TOPIC REVISION - MATTERS NEEDING STATE RATIFICATION (proviso to Article 368(2))
• Election of the President and its manner (Articles 54 and 55).
• Extent of the executive power of the Union and the States (Articles 73 and 162).
• Article 241 (High Courts for Union Territories) and Article 279A (GST Council).
• The Supreme Court (Chapter IV of Part V) and the High Courts (Chapter V of Part VI).
• Distribution of legislative powers (Chapter I of Part XI) and any of the Lists in the Seventh Schedule.
• Representation of States in Parliament.
• Article 368 itself.

ILLUSTRATIONS
• The 101st Amendment (GST, 2016) needed ratification because it changed the Seventh Schedule and added Article 279A.
• The 99th Amendment (NJAC, 2014) was ratified because it affected the higher judiciary.

WHY IT MATTERS
Ratification gives the States a voice in changing the federal bargain, reflecting the Constitution's federal character, while keeping most amendments within Parliament's control.

> Ratification only for federal provisions (President's election, executive power, courts, Seventh Schedule, States' representation, Article 368). FRs and DPSPs: special majority only.

**53** **With reference to the basic structure of the Constitution, consider the following statements:**

1. The Supreme Court has held judicial review to be a part of the basic structure.
2. In S.R. Bommai (1994), the Supreme Court treated federalism and secularism as basic features of the Constitution.
3. The right to property under Article 300A has been held to be part of the basic structure.

**Which of the statements given above is/are correct?**

| | |
|---|---|
| **(a) 1 and 2 only ✓** | (b) 2 and 3 only |
| (c) 1 and 3 only | (d) 1, 2 and 3 |

**Explanation**

**The correct answer is (a) 1 and 2 only. Statement 3 is wrong: the Supreme Court has held that the right to property, now a constitutional right under Article 300A, is not part of the basic structure.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. In Minerva Mills (1980), the Court struck down Article 368(4)-(5) because they excluded judicial review. In L. Chandra Kumar (1997), it held that the powers of judicial review of the High Courts (Articles 226 and 227) and the Supreme Court (Article 32) are part of the basic structure, so tribunals cannot wholly replace them.

• Statement 2 - CORRECT. In S.R. Bommai, a nine-judge Bench held that federalism and secularism are basic features, and that a Proclamation under Article 356 is subject to judicial review.

• Statement 3 - WRONG, for the reason in the verdict (for example, Jilubhai Nanbhai Khachar, 1995).

TOPIC REVISION - ELEMENTS RECOGNISED AS BASIC FEATURES (selected)

• Supremacy of the Constitution; sovereign, democratic and republican nature of the polity.
• Secular character; federal character; unity and integrity of the nation.
• Separation of powers; independence of the judiciary; judicial review.
• Rule of law; principle of equality; freedom and dignity of the individual.
• Parliamentary system; free and fair elections.
• Harmony and balance between Fundamental Rights and Directive Principles.
• Limited power of Parliament to amend the Constitution.
• Welfare State (socio-economic justice); effective access to justice.

HOW THE DOCTRINE OPERATES

• It applies to constitutional amendments, and (since I.R. Coelho, 2007) to laws placed in the Ninth Schedule after 24 April 1973.
• The list is not closed: courts identify features case by case.
• The doctrine does not prevent amendment of a provision; it prevents amendments that damage or destroy a basic feature.

**Basic features and the cases that recognised them**

| Feature | Case |
|---|---|
| Free and fair elections | Indira Gandhi v. Raj Narain (1975) |
| Limited amending power; FR-DPSP balance | Minerva Mills (1980) |
| Federalism; secularism | S.R. Bommai (1994) |
| Judicial review by HCs and SC | L. Chandra Kumar (1997) |

> Judicial review (Minerva, L. Chandra Kumar), federalism and secularism (Bommai) are basic features. The right to property (Article 300A) is not.

**The same mistake, made twice, is a habit. This is where you catch it the first time.**

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**54** **With reference to the procedure for amending the Constitution under Article 368, consider the following statements:**

1. A Bill to amend the Constitution can be introduced in either House of Parliament.
2. A Bill to amend the Constitution can be introduced by a private member.
3. A Bill to amend the Constitution requires the prior recommendation of the President for its introduction.
4. If the two Houses disagree on a Bill to amend the Constitution, the President can summon a joint sitting to resolve the deadlock.

**How many of the statements given above are correct?**

(a) Only one

**(b) Only two ✓**

(c) Only three

(d) All four

**Explanation**

**The correct answer is (b) Only two. Statements 1 and 2 are correct. Statement 3 is wrong because no prior permission or recommendation of the President is needed. Statement 4 is wrong because there is no provision for a joint sitting on a constitutional amendment Bill.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. An amendment can be initiated only by introducing a Bill in either House of Parliament - not in a State Legislature.
• Statement 2 - CORRECT. It can be introduced by a minister or a private member.
• Statement 3 - WRONG, for the reason in the verdict. Contrast Article 3 Bills and Money Bills, which need the President's recommendation.
• Statement 4 - WRONG, for the reason in the verdict. Each House must pass the Bill separately by the special majority. If one House rejects it, the Bill fails. (Article 108's joint sitting applies only to ordinary Bills.)

TOPIC REVISION - THE PROCEDURE

• Special majority in each House: a majority of the total membership of the House AND a majority of not less than two-thirds of the members present and voting.
• For federal provisions (proviso to Article 368(2)), ratification by the legislatures of at least half of the States, by a simple majority. There is no time limit for ratification.
• The President must give assent; he can neither withhold assent nor return the Bill for reconsideration (24th Amendment, 1971).
• After assent, the Bill becomes a Constitution Amendment Act.

LIMITS ON THE POWER

• Parliament can amend any part of the Constitution, including Fundamental Rights (Article 13(4) and 368(3)).
• But it cannot alter the basic structure (Kesavananda Bharati, 1973; Minerva Mills, 1980).
• Clauses (4) and (5) of Article 368, inserted by the 42nd Amendment to exclude judicial review, were struck down in Minerva Mills.

**Constitution Amendment Bill vs ordinary Bill**

| Feature | Amendment Bill (Art. 368) | Ordinary Bill |
|---|---|---|
| Majority | Special (each House) | Simple |
| Joint sitting | Not possible | Possible (Art. 108) |
| President's options | Must assent | Assent, withhold or return |
| State ratification | For federal provisions | Not required |

Amendment Bill: either House, minister or private member, no President's recommendation, no joint sitting, President must assent.

**Reading a solution shows you the answer. Sitting the test shows you yourself.**

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**55** **With reference to the debate on Parliament's power to amend Fundamental Rights, consider the following statements:**

1. In Shankari Prasad (1951), the Supreme Court held that an amendment made under Article 368 is not a 'law' within the meaning of Article 13.
2. In Golaknath (1967), the Supreme Court held that Parliament cannot amend Fundamental Rights so as to take away or abridge them.
3. The 24th Amendment (1971) made it obligatory for the President to give assent to a Constitution Amendment Bill.
4. In Kesavananda Bharati (1973), the Supreme Court upheld the Golaknath view that Fundamental Rights are beyond Parliament's amending power.

**How many of the statements given above are correct?**

(a) Only one

(b) Only two

**(c) Only three ✓**

(d) All four

**Explanation**

**The correct answer is (c) Only three. Statements 1, 2 and 3 are correct. Statement 4 is wrong: Kesavananda Bharati OVERRULED Golaknath. It held that Parliament can amend any provision, including Fundamental Rights, but cannot destroy the basic structure.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. The case concerned the 1st Amendment (1951), which curtailed the right to property. The Court upheld it, ruling that 'law' in Article 13 means ordinary legislation, not constitutional amendments. Sajjan Singh (1965) took the same view on the 17th Amendment.

• Statement 2 - CORRECT. In Golaknath (an 11-judge Bench, 6:5), the Court held that Fundamental Rights occupy a 'transcendental and immutable' position, that an amendment is 'law' under Article 13, and that Parliament cannot abridge Fundamental Rights. It applied the ruling prospectively.

• Statement 3 - CORRECT. The 24th Amendment responded to Golaknath. It declared Parliament's power to amend any part of the Constitution, including Part III; inserted Article 13(4) and Article 368(3) excluding amendments from Article 13; and made Presidential assent obligatory.

• Statement 4 - WRONG, for the reason in the verdict.

TOPIC REVISION - THE FULL SEQUENCE

• 1951 Shankari Prasad and 1965 Sajjan Singh: amendments are not 'law'; Fundamental Rights can be amended.
• 1967 Golaknath: Fundamental Rights cannot be abridged.
• 1971 24th Amendment: the power restored.
• 1973 Kesavananda Bharati (13 judges, 7:6): the power is wide, but the basic structure cannot be altered.
• 1976 42nd Amendment: Article 368(4)-(5) tried to make the power unlimited.
• 1980 Minerva Mills: those clauses struck down; limited amending power is itself a basic feature.
• 1981 Waman Rao: the basic structure test applies to amendments made after 24 April 1973.

**The amending-power cases**

| Case / Amendment | Year | Holding |
|---|---|---|
| Shankari Prasad | 1951 | Amendment is not 'law'; FRs amendable |
| Golaknath | 1967 | FRs cannot be abridged |
| 24th Amendment | 1971 | Articles 13(4), 368(3); obligatory assent |
| Kesavananda Bharati | 1973 | FRs amendable; basic structure inviolable |

> Kesavananda overruled Golaknath (amendments CAN reach Fundamental Rights) but added the basic structure limit. 24th Amendment: Articles 13(4), 368(3), obligatory assent.

**56** **In the following question, an Assertion (A) is followed by a Reason (R). Select the correct option from the codes given below.**

**Assertion (A):** A Proclamation of National Emergency can be made even before the actual occurrence of war, external aggression or armed rebellion.

**Reason (R):** The 44th Amendment replaced the words 'internal disturbance' with 'armed rebellion' as a ground for a National Emergency.

(a) Both A and R are true and R is the correct explanation of A

**(b) Both A and R are true but R is NOT the correct explanation of A ✓**

(c) A is true but R is false

(d) A is false but R is true

**Explanation**

**The correct answer is (B): both A and R are true, but R is not the correct explanation of A. A rests on the Explanation to Article 352(1), which allows a Proclamation when there is imminent danger; R describes a different change in the grounds.**

ASSERTION - TRUE

• The Explanation to Article 352(1) says a Proclamation declaring that the security of India is threatened by war, external aggression or armed rebellion may be made before the actual occurrence, if the President is satisfied that there is imminent danger of it.

REASON - TRUE, BUT IT DOES NOT EXPLAIN A

• The 44th Amendment (1978) replaced 'internal disturbance' with 'armed rebellion' to prevent misuse of a vague ground, as had happened in June 1975.
• This change narrowed the grounds; it does not explain why a Proclamation can be issued in advance.

TOPIC REVISION - THE PROCLAMATION UNDER ARTICLE 352

• Grounds: war or external aggression ('External Emergency') or armed rebellion ('Internal Emergency').
• The President acts only on the written recommendation of the Union Cabinet (44th Amendment).
• It may cover the whole of India or a part (42nd Amendment).
• The President may issue different Proclamations on different grounds, whether or not one is already in operation (38th Amendment, 1975).
• The 38th Amendment also made the President's satisfaction final; the 44th Amendment removed that, so the Proclamation can be challenged on grounds such as mala fides (Minerva Mills, 1980).

EMERGENCIES PROCLAIMED SO FAR

• October 1962: Chinese aggression (revoked 1968).
• December 1971: war with Pakistan.
• June 1975: 'internal disturbance', while the 1971 Emergency was still in force. Both were revoked in 1977.

HOW TO APPROACH SUCH A-R QUESTIONS

Both statements are about Article 352, but R explains a change in grounds, not the timing of a Proclamation.

**National Emergencies in India**

| Year | Ground | Revoked |
|---|---|---|
| 1962 | External aggression (China) | 1968 |
| 1971 | External aggression (Pakistan) | 1977 |
| 1975 | Internal disturbance | 1977 |

> Advance Proclamation = 'imminent danger' (Explanation to Article 352(1)). 'Armed rebellion' replaced 'internal disturbance' (44th). Written Cabinet advice required.

**Whoever sent you this knows their strengths, understands their gaps, and knows where they're headed. They're preparing with clarity and confidence—not fear. They know their edge. You can too.**

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**57** **In the following question, an Assertion (A) is followed by a Reason (R). Select the correct option from the codes given below.**

**Assertion (A):** During a National Emergency, the State Legislatures lose their power to make laws on subjects in the State List.

**Reason (R):** Article 250 empowers Parliament to make laws on any matter in the State List while a Proclamation of Emergency is in operation.

(a) Both A and R are true and R is the correct explanation of A

(b) Both A and R are true but R is NOT the correct explanation of A

(c) A is true but R is false

**(d) A is false but R is true ✓**

**Explanation**

**The correct answer is (D): A is false, but R is true. Parliament gains a concurrent, overriding power over the State List, but the State Legislatures keep their own legislative power.**

ASSERTION - FALSE

• The legislative power of a State Legislature is not suspended during a National Emergency. It becomes subject to the overriding power of Parliament: if a State law is repugnant to a law made by Parliament under Article 250, the Union law prevails to the extent of the repugnancy (Article 251).

REASON - TRUE

• Article 250 gives Parliament power to make laws for the whole or any part of India on any matter in the State List while a Proclamation of Emergency is in operation.
• Such laws become inoperative six months after the Emergency ends.

TOPIC REVISION - OTHER CASES WHERE PARLIAMENT LEGISLATES ON THE STATE LIST

• Article 249: on a Rajya Sabha resolution (two-thirds of members present and voting) in the national interest.
• Article 252: when two or more States request it by resolution.
• Article 253: to implement international treaties and agreements.
• Article 356/357: during President's Rule in a State (here, the State Legislature is dissolved or in suspended animation).

KEY DISTINCTION

• National Emergency: State Legislature and State government continue, but are subordinated to the Centre.
• President's Rule: the State government is dismissed and the State Legislature is suspended or dissolved; Parliament or the President legislates for the State.

HOW TO APPROACH SUCH A-R QUESTIONS

R is a correct statement of Parliament's power, but it does not mean the States lose theirs - so A is false and the answer is (D).

**Parliament's power over the State List**

| Article | Situation |
|---|---|
| 249 | Rajya Sabha resolution in national interest |
| 250 | National Emergency |
| 252 | Request of two or more States |
| 253 | Implementing international agreements |
| 357 | President's Rule |

> National Emergency: States keep legislative power, subject to Parliament's overriding laws (Articles 250-251). It is President's Rule that suspends the State Legislature.

**58** With reference to the revocation of a Proclamation of National Emergency, which one of the following statements is correct?

(a) It requires a resolution of both Houses of Parliament passed by a special majority

**(b) The Lok Sabha may disapprove its continuance by a simple-majority resolution** ✓

(c) The President can revoke it only after obtaining the approval of the Rajya Sabha

(d) Notice for a special sitting must be signed by one-third of the members of each House

**The exam will ask what you avoided. Find out what that is while it still costs nothing.**

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**Explanation**

**The correct answer is (b). Under Article 352(7) and (8), inserted by the 44th Amendment, the President must revoke the Proclamation if the Lok Sabha passes a resolution disapproving its continuance, by a simple majority.**

OPTION-WISE ANALYSIS

• Option (a) - WRONG. A special majority is needed for APPROVING and continuing a Proclamation, not for revoking it. The President can revoke it at any time by a subsequent Proclamation, without any parliamentary approval.

• Option (b) - CORRECT, for the reason in the verdict.

• Option (c) - WRONG. No approval of either House is needed for revocation by the President.

• Option (d) - WRONG. A notice signed by not less than one-tenth of the total members of the Lok Sabha may be given to the Speaker (or to the President, if the House is not in session). A special sitting must then be held within 14 days of receipt of the notice to consider the disapproval resolution.

TOPIC REVISION - APPROVAL AND CONTINUATION

• The Proclamation must be approved by both Houses within one month (two months before 1978).

• Approval and each continuation need a special majority: a majority of the total membership of each House and two-thirds of the members present and voting.

• Once approved, it continues for six months, and can be extended indefinitely by approval every six months.

• If the Lok Sabha is dissolved, the Rajya Sabha's approval keeps it alive until 30 days after the new Lok Sabha's first sitting.

WHY THE 44th AMENDMENT ADDED THESE CLAUSES

The 1975 Emergency continued for 21 months. The Janata government wanted the elected House to be able to end an Emergency quickly, and made continuance depend on regular parliamentary approval.

COMPARISON

President's Rule (Article 356) and Financial Emergency (Article 360) can also be revoked by the President at any time without parliamentary approval.

**National Emergency: approval vs disapproval**

| Action | By whom | Majority |
|---|---|---|
| Approval (within 1 month) | Both Houses | Special |
| Continuation (every 6 months) | Both Houses | Special |
| Disapproval resolution | Lok Sabha | Simple |
| Revocation | President | No approval needed |

> Approval/continuation: special majority. Disapproval by Lok Sabha: simple majority, notice by 1/10 members, sitting within 14 days. Revocation by President: no approval needed.

**59** **While a Proclamation of National Emergency is in operation, which one of the following is correct regarding the term of the Lok Sabha?**

**(a) It can be extended by Parliament by law for one year at a time ✓**

(b) It stands automatically extended until the Emergency is revoked

(c) It can be extended only once, by a maximum of six months

(d) It can be extended by a Presidential order for up to two years

**Every explanation here was written to teach, not to justify an answer key.**

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**Explanation**

**The correct answer is (a). Under the proviso to Article 83(2), Parliament may by law extend the term of the Lok Sabha for not more than one year at a time while a National Emergency is in operation. The extension cannot continue beyond six months after the Proclamation ceases.**

OPTION-WISE ANALYSIS

• Option (a) - CORRECT, for the reason in the verdict.
• Option (b) - WRONG. There is no automatic extension. A law of Parliament is needed for each extension.
• Option (c) - WRONG. The extension can be repeated, one year at a time, for as long as the Emergency lasts; the six-month limit applies to the period AFTER the Emergency ends.
• Option (d) - WRONG. The extension is by a law of Parliament, not by a Presidential order.

TOPIC REVISION - HOW IT WAS USED

• The fifth Lok Sabha (elected in 1971) had a term ending in 1976.
• The 42nd Amendment also raised the normal term of the Lok Sabha and Assemblies from five to six years.
• During the 1975-77 Emergency, the Lok Sabha's term was extended by law, and elections were finally held in March 1977.
• The 44th Amendment (1978) restored the five-year term.

THE SAME RULE FOR STATES

The proviso to Article 172(1) allows Parliament to extend the term of a State Legislative Assembly in the same way during a National Emergency.

OTHER EFFECTS OF A NATIONAL EMERGENCY

• Article 353: Union directions to States on any matter.
• Article 250: Parliament legislates on the State List.
• Article 354: modification of the distribution of revenues.
• Articles 358 and 359: effects on Fundamental Rights.

CONTRAST WITH PRESIDENT'S RULE

Under Article 356, the State Assembly may be dissolved or kept in suspended animation; Parliament's power is to legislate for that State, not to extend the term of the Lok Sabha.

> Lok Sabha extension: by law of Parliament, one year at a time, not beyond six months after the Emergency ends (Article 83(2)). Same for Assemblies (Article 172).

**60** **With reference to Articles 355 and 365 of the Constitution of India, consider the following statements:**

1. Article 355 imposes a duty on the Union to protect every State against external aggression and internal disturbance.
2. Article 355 also imposes a duty on the Union to ensure that the government of every State is carried on in accordance with the Constitution.
3. Under Article 365, if a State fails to comply with directions given by the Union, the President may hold that a situation has arisen in which the State's government cannot be carried on in accordance with the Constitution.

**Which of the statements given above is/are correct?**

(a) 1 and 2 only

(b) 2 and 3 only

(c) 1 and 3 only

**(d) 1, 2 and 3 ✓**

**Explanation**

**The correct answer is (d) 1, 2 and 3. All three statements correctly describe Articles 355 and 365, which provide the constitutional basis and a trigger for President's Rule under Article 356.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. Article 355 reflects the Union's responsibility for the security of every State. It has been cited, for example, to justify deploying central forces in States facing serious internal disturbance.
• Statement 2 - CORRECT. The second limb of Article 355 is the source of the Union's duty that underlies Article 356: if a State's government cannot be carried on in accordance with the Constitution, the Union may step in.
• Statement 3 - CORRECT. Article 365 lets the President treat a State's failure to comply with, or give effect to, Union directions (for example under Articles 256, 257 or 353) as a failure of constitutional machinery. That can lead to a Proclamation under Article 356.

TOPIC REVISION - SAFEGUARDS AGAINST MISUSE (S.R. Bommai, 1994)

• A Proclamation under Article 356 is subject to judicial review on grounds of mala fides or irrelevant material; the court can examine the material on which it was based.
• A government's majority should be tested on the floor of the House, not in the Governor's chamber.
• The State Assembly should not be dissolved until Parliament approves the Proclamation; until then it may only be kept in suspended animation.
• If the Proclamation is struck down, the dismissed government and the Assembly can be restored.

THE SARKARIA AND PUNCHHI COMMISSIONS

Both recommended that Article 356 be used only as a last resort, after warning the State and exploring alternatives.

WHY IT MATTERS

These provisions show how the Constitution balances the Union's duty to maintain constitutional government against State autonomy.

**Articles 355, 356 and 365**

| Article | Content |
|---|---|
| 355 | Union to protect States and ensure constitutional government |
| 356 | President's Rule on failure of constitutional machinery |
| 365 | Non-compliance with Union directions → failure presumed |

> Article 355 = Union's duty (protect States; ensure constitutional government). Article 365 = non-compliance with Union directions → possible Article 356. Bommai limits misuse.

**61** **With reference to the effects of a Proclamation of National Emergency on Centre-State relations, consider the following statements:**

1. The executive power of the Union extends to giving directions to any State on any matter.
2. Parliament can make laws on matters in the State List, and such laws cease to have effect six months after the Emergency ends.
3. The legislative power of the State Legislatures is suspended for the duration of the Emergency.
4. The President can modify the constitutional distribution of revenues between the Centre and the States.

**How many of the statements given above are correct?**

(a) Only one

(b) Only two

**(c) Only three ✓**

(d) All four

**Well prepared is not the same as competitive. Know which one you are.**

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**Explanation**

**The correct answer is (c) Only three. Statements 1, 2 and 4 are correct. Statement 3 is wrong: State Legislatures are not suspended. They continue to legislate, but their power becomes subject to the overriding power of Parliament.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. Article 353(a): in normal times the Centre can give directions to States only on certain matters; during a National Emergency it can direct a State on any matter. State governments are not suspended, but they come under the complete control of the Centre.

• Statement 2 - CORRECT. Article 250: Parliament can legislate on any State List subject. Such laws become inoperative six months after the Emergency ceases, except for things done before that.

• Statement 3 - WRONG, for the reason in the verdict. Contrast President's Rule under Article 356, where the State Assembly is dissolved or kept in suspended animation.

• Statement 4 - CORRECT. Article 354: the President can modify the distribution of revenues (Articles 268-279), including reducing or cancelling transfers of finance to the States. Such an order lasts until the end of the financial year in which the Emergency ends, and must be laid before each House of Parliament.

TOPIC REVISION - EFFECT ON THE LIFE OF LEGISLATURES

• Article 83(2): the term of the Lok Sabha can be extended by a law of Parliament for one year at a time, for any length of time, but not beyond six months after the Emergency ends. (The term of the fifth Lok Sabha was extended by law in 1976.)

• Article 172(1): the same rule applies to State Legislative Assemblies.

THE FEDERAL CONSEQUENCE

During a National Emergency, the federation in effect becomes unitary without any formal amendment - a feature unique to the Indian Constitution. Critics see it as a threat to State autonomy; defenders see it as a safeguard for national unity in grave crises.

ARTICLE 353 AND PARTIAL EMERGENCIES

Since the 42nd Amendment, when the Emergency is in force in only part of India, Union directions and laws can also extend to other States if their security is threatened.

**Effects of a National Emergency**

| Field | Article | Effect |
|---|---|---|
| Executive | 353 | Union can direct States on any matter |
| Legislative | 250 | Parliament legislates on State List |
| Financial | 354 | Distribution of revenues can be modified |
| Term of Lok Sabha | 83(2) | Extendable one year at a time |

> State Legislatures are NOT suspended during a National Emergency (that is Article 356). Articles 353, 250, 354 and 83(2) are the key effects.

**62** **With reference to Article 359 and the suspension of the enforcement of Fundamental Rights, consider the following statements:**

1. A Presidential order under Article 359 may extend to the whole of India or to any part of it.
2. An order under Article 359 does not need to be laid before Parliament.
3. After the 44th Amendment, Article 359 protects from challenge all laws made while the Emergency is in operation, whether or not they relate to it.
4. An order under Article 359 can suspend the enforcement of the rights under Articles 20 and 21 if the Emergency is declared on the ground of war.

**How many of the statements given above are correct?**

| | |
|---|---|
| **(a) Only one ✓** | (b) Only two |
| (c) Only three | (d) All four |

**The exam doesn't ask how much you studied. It asks where you stand among everyone who studied too.**

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**Explanation**

**The correct answer is (a) Only one. Only Statement 1 is correct. Every Article 359 order must be laid before Parliament; since the 44th Amendment, its protection covers only Emergency-related laws; and Articles 20 and 21 can never be suspended.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. Article 359(2): the order may extend to the whole or any part of India.
• Statement 2 - WRONG. Article 359(3): every such order must be laid before each House of Parliament as soon as may be after it is made.
• Statement 3 - WRONG. Article 359(1B), inserted by the 44th Amendment, says the immunity applies only to laws relating to the Emergency (with a recital to that effect) and to executive action taken under such laws. Other laws can still be challenged.
• Statement 4 - WRONG. Since the 44th Amendment (1978), the enforcement of Articles 20 and 21 cannot be suspended, whatever the ground of the Emergency.

TOPIC REVISION - ARTICLE 358 vs ARTICLE 359

• Article 358: Article 19 is suspended automatically when a National Emergency is proclaimed on the ground of war or external aggression (not armed rebellion). The State can then make laws or take executive action inconsistent with Article 19.
• Article 359: the President, by order, suspends the ENFORCEMENT of the Fundamental Rights named in the order (other than Articles 20 and 21). The rights themselves are not suspended, only the remedy.
• Article 358 covers the whole country; an Article 359 order may cover all or part of India.
• Article 358 lasts for the duration of the Emergency; Article 359 operates for the period specified in the order, which may be the whole or part of the Emergency.

WHY THE 44th AMENDMENT MATTERS HERE

During the 1975-77 Emergency, the President's order suspended the enforcement of Articles 14, 21 and 22. In ADM Jabalpur v. Shivkant Shukla (1976), the Supreme Court held that no habeas corpus petition could be filed. The 44th Amendment made Articles 20 and 21 non-suspendable and confined immunity to Emergency-related laws. In K.S. Puttaswamy (2017), ADM Jabalpur was overruled.

**Article 358 vs Article 359**

| Feature | Article 358 | Article 359 |
|---|---|---|
| What is suspended | Article 19 itself | Enforcement of specified rights |
| How | Automatic | Presidential order |
| Grounds | War or external aggression | Any ground of Emergency |
| Articles 20 and 21 | Not affected | Cannot be suspended |

Article 359 orders must be laid before Parliament; immunity only for Emergency-related laws (359(1B)); Articles 20 and 21 never suspended. Article 358 = automatic, Article 19 only, war/external aggression. Article 359 = Presidential order, enforcement only.

**63** **In the following question, an Assertion (A) is followed by a Reason (R). Select the correct option from the codes given below.**

**Assertion (A):** In October 2026, the Supreme Court struck down a 2022 Karnataka law that sought to revive a recruitment whose cancellation had been upheld by the courts, without curing any legal defect.

**Reason (R):** Article 50 directs the State to take steps to separate the judiciary from the executive in the public services of the State.

(a) Both A and R are true and R is the correct explanation of A

**(b) Both A and R are true but R is NOT the correct explanation of A ✓**

(c) A is true but R is false

(d) A is false but R is true

A limited number of places. One honest question: are you holding yours?

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**Explanation**

**The correct answer is (B): both A and R are true, but R is not the correct explanation of A. The law fell because the LEGISLATURE tried to override a judicial decision without changing its legal basis - an encroachment on judicial power. Article 50 is a Directive Principle about separating the judiciary from the EXECUTIVE.**

ASSERTION - TRUE

• In Srinivasa T. v. State of Karnataka (29 October 2026; Justices J.B. Pardiwala and K. Vinod Chandran), the Court found that the 2022 Act cured no legal defect: it simply sought to revive a 2011 civil-services recruitment cancelled for corruption, after the cancellation had been upheld by the High Court and the Supreme Court.

• Relying on Madan Mohan Pathak (1978), the Court held that a legislature can change the law retrospectively to remove the basis of a judgment, but cannot merely declare a judgment ineffective.

REASON - TRUE, BUT IT DOES NOT EXPLAIN A

• Article 50 is a Directive Principle; it was implemented chiefly through the Code of Criminal Procedure, 1973, which separated judicial and executive magistrates.

• The principle applied in A is the separation of powers between the legislature and the judiciary, which the Court treats as part of the basic structure (Kesavananda, 1973; Indira Gandhi v. Raj Narain, 1975).

STATIC REVISION - VALIDATING LAWS

• Permissible: retrospectively amending the law so that the court's reasoning no longer applies, within legislative competence (Prithvi Cotton Mills, 1969).

• Impermissible: declaring a final judgment void or inoperative; reviving an action without curing any defect.

• Hardship to beneficiaries cannot save an unconstitutional law.

HOW TO APPROACH SUCH A-R QUESTIONS

Both statements involve 'separation', but of different organs. Identify which relationship (legislature-judiciary or executive-judiciary) A actually turns on.

> Overriding a judgment without curing the defect = legislative encroachment on judicial power (basic structure). Article 50 is about judiciary vs executive.

**64** **In the following question, an Assertion (A) is followed by a Reason (R). Select the correct option from the codes given below.**

**Assertion (A):** Intentionally preventing the singing of Vande Mataram is now an offence under a central law, following an amendment passed by Parliament in July 2026.

**Reason (R):** Article 51A expressly makes it a Fundamental Duty of every citizen to respect the National Song.

(a) Both A and R are true and R is the correct explanation of A

(b) Both A and R are true but R is NOT the correct explanation of A

**(c) A is true but R is false ✓**

(d) A is false but R is true

**Explanation**

**The correct answer is (C): A is true, but R is false. The offence was created by the Prevention of Insults to National Honour (Amendment) Act, 2026. Article 51A(a) refers only to the National Flag and the National Anthem.**

ASSERTION - TRUE

• The amendment substitutes Section 3 of the Prevention of Insults to National Honour Act, 1971, so that intentionally preventing the singing of Vande Mataram, or disturbing an assembly engaged in singing it, is punishable in the same way as for the National Anthem.

• The government cited the Constituent Assembly's intention, expressed on 24 January 1950, that Vande Mataram be honoured equally with Jana Gana Mana.

REASON - FALSE

• Article 51A(a) reads: to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem. The National Song is not mentioned anywhere in Article 51A.

• Neither the National Anthem nor the National Song is defined in the text of the Constitution; their status comes from the Constituent Assembly's declaration of 24 January 1950.

STATIC REVISION - OTHER LAWS GIVING EFFECT TO FUNDAMENTAL DUTIES

• Protection of Civil Rights Act, 1955 (Article 51A(e) and Article 17).

• Wild Life (Protection) Act, 1972 and Forest (Conservation) Act, 1980 (Article 51A(g)).

• Prevention of Damage to Public Property Act, 1984 (Article 51A(i)).

HOW TO APPROACH SUCH A-R QUESTIONS

Check the exact wording of the constitutional provision. A plausible-sounding R that adds words not in the text is false.

> Article 51A(a) mentions the Flag and the Anthem, not the National Song. The 2026 offence is statutory.

**65** **In the following question, an Assertion (A) is followed by a Reason (R). Select the correct option from the codes given below.**

**Assertion (A):** The National Social Assistance Programme, whose continuation was approved by the Union Cabinet in October 2026, was created by an Act of Parliament.

**Reason (R):** Article 41 directs the State, within the limits of its economic capacity, to make effective provision for public assistance in cases of old age, sickness and disablement.

(a) Both A and R are true and R is the correct explanation of A

(b) Both A and R are true but R is NOT the correct explanation of A

(c) A is true but R is false

**(d) A is false but R is true ✓**

**Explanation**

**The correct answer is (D): A is false, but R is true. The NSAP is an executive (centrally sponsored) programme launched in 1995, not a statutory scheme created by an Act of Parliament. Article 41 is the Directive Principle it implements.**

ASSERTION - FALSE

• The NSAP was launched on 15 August 1995 by executive decision and is run by the Ministry of Rural Development. Its continuation is approved by the Union Cabinet for set periods - most recently for 2026-27 to 2030-31.

• By contrast, some welfare entitlements are statutory - for example the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 and the National Food Security Act, 2013.

REASON - TRUE

• Article 41 is in Part IV. Like other Directive Principles, it is non-justiciable but fundamental in the governance of the country (Article 37).

STATIC REVISION - HOW DIRECTIVE PRINCIPLES ARE IMPLEMENTED

• By statute: MGNREGA (right to work, Article 41), the Legal Services Authorities Act (Article 39A), the Maternity Benefit Act (Article 42), the Minimum Wages Act (Article 43).

• By constitutional amendment: the 73rd and 74th Amendments (Article 40), the 86th Amendment (Article 45).

• By executive schemes: the NSAP, midday meals before the National Food Security Act, and many State pensions.

WHY IT MATTERS

Executive schemes depend on budgetary decisions and can be changed by government; statutory entitlements give beneficiaries enforceable legal rights.

HOW TO APPROACH SUCH A-R QUESTIONS

A true constitutional principle (R) does not make a false factual claim about a scheme's legal basis (A) true.

> NSAP = executive scheme (1995), not an Act. Article 41 is the Directive Principle behind it; MGNREGA and NFSA are statutory.

**The exam ranks everyone together, whatever language they write in. So does this.**

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**66** **In the following question, an Assertion (A) is followed by a Reason (R). Select the correct option from the codes given below.**

**Assertion (A):** Unlike during the 1975-77 Emergency recalled on 'Samvidhan Hatya Diwas' in June 2026, the enforcement of the right to life and personal liberty cannot today be suspended during a National Emergency.

**Reason (R):** The 44th Amendment amended Article 359 so that a Presidential order cannot suspend the enforcement of Articles 20 and 21.

**(a) Both A and R are true and R is the correct explanation of A ✓**

(b) Both A and R are true but R is NOT the correct explanation of A

(c) A is true but R is false

(d) A is false but R is true

**Explanation**

**The correct answer is (A): both A and R are true, and R correctly explains A. The 44th Amendment (1978) placed Articles 20 and 21 beyond the reach of an Article 359 order.**

ASSERTION - TRUE

• During 1975-77, the Presidential order of 27 June 1975 suspended the right to move courts for the enforcement of Articles 14, 21 and 22. In ADM Jabalpur (1976), the Supreme Court held that habeas corpus petitions could not be entertained during that period.

• Today, even during a National Emergency, a person can approach the courts to enforce Articles 20 and 21.

REASON - TRUE, AND IT EXPLAINS A

• The 44th Amendment inserted the words 'except articles 20 and 21' into Article 359(1). This is precisely why A is true.

STATIC REVISION - ARTICLE 20 PROTECTIONS (also non-suspendable)

• 20(1): no ex post facto criminal law (no conviction for an act not an offence when done, and no greater penalty than that then in force).

• 20(2): no double jeopardy - no prosecution and punishment for the same offence more than once.

• 20(3): no compulsion to be a witness against oneself.

OTHER 44th AMENDMENT SAFEGUARDS

• Article 359(1B): immunity only for laws relating to the Emergency.

• Article 358 applies only for war or external aggression.

• Written Cabinet decision needed; one-month approval by special majority; Lok Sabha can disapprove.

THE JUDICIAL SEQUEL

In K.S. Puttaswamy (2017), ADM Jabalpur was overruled, and the Court affirmed that life and personal liberty are inalienable to human existence and are not a gift of the State.

> After the 44th Amendment, Articles 20 and 21 can never be suspended under Article 359. In 1975 the order covered Articles 14, 21 and 22.

**67** **In the following question, an Assertion (A) is followed by a Reason (R). Select the correct option from the codes given below.**

**Assertion (A):** In September 2026, the Supreme Court quashed FIRs against students who had protested over the NEET-UG 2026 examination; peaceful protest is constitutionally protected in India.

**Reason (R):** Article 19(1)(b) guarantees to all citizens the right to assemble peaceably and without arms, subject to reasonable restrictions in the interests of the sovereignty and integrity of India or public order.

| | |
|---|---|
| **(a) Both A and R are true and R is the correct explanation of A ✓** | (b) Both A and R are true but R is NOT the correct explanation of A |
| (c) A is true but R is false | (d) A is false but R is true |

**Explanation**

**The correct answer is (A): both A and R are true, and R correctly explains A. The right to protest peacefully flows from the freedoms of speech and expression and of peaceable assembly in Article 19(1)(a) and (b).**

ASSERTION - TRUE

• In Shailendra Mani Tripathi v. Union of India (reported 2 September 2026; a Bench headed by Chief Justice Surya Kant), the Court, acting under Article 142, quashed FIRs against students who had protested in July 2026, directed that other FIRs for the same incidents not be pursued, and ordered a compensation policy for families of students who died by suicide in connection with the examination.

• The Supreme Court has repeatedly held that peaceful protest is part of democratic expression - for example in Ramlila Maidan (2012) and Mazdoor Kisan Shakti Sangathan (2018).

REASON - TRUE, AND IT EXPLAINS A

• Article 19(1)(b) protects peaceful assembly, demonstrations and meetings, but not violent or armed ones.

• Article 19(3) allows reasonable restrictions only in the interests of the sovereignty and integrity of India and public order.

• Together with Article 19(1)(a), this is the constitutional basis of the right to protest.

THE LIMITS

• In Amit Sahni (Shaheen Bagh, 2020), the Court held that public ways cannot be occupied indefinitely; protests must be at designated places, balancing the rights of others.

• There is no right to strike as a Fundamental Right (T.K. Rangarajan, 2003), and no right to protest violently or damage public property (Article 51A(i)).

STATIC REVISION - ARTICLE 19 AND ITS RESTRICTION CLAUSES

• 19(1)(a) speech: Article 19(2). 19(1)(b) assembly: Article 19(3). 19(1)(c) association: Article 19(4). 19(1)(d)-(e) movement and residence: Article 19(5). 19(1)(g) profession: Article 19(6).

> Protest = Article 19(1)(a) and (b), only if peaceful and unarmed; restrictions under Article 19(3) (sovereignty and integrity, public order).

**68** **Observances of 'Samvidhan Hatya Diwas' in June 2026 recalled the mass detentions of the 1975-77 Emergency. In ADM Jabalpur v. Shivkant Shukla (1976), the Supreme Court held that:**

(a) Preventive detention laws could not be applied at all while a National Emergency was in force

(b) Detentions under MISA were invalid unless approved by an Advisory Board within one month

**(c) No habeas corpus petition could be filed while the Article 359 order was in force ✓**

(d) Article 21 could not be suspended because it is part of the basic structure of the Constitution

**Write in your language. Be ranked against everyone. Nothing here is measured in a smaller room.**

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**Explanation**

**The correct answer is (c). By 4:1, the Court held that while the Presidential order under Article 359 suspending the enforcement of Article 21 was in force, no person could move a court by habeas corpus to challenge the legality of his detention. Justice H.R. Khanna dissented.**

OPTION-WISE ANALYSIS

• Option (a) - WRONG. The case concerned detentions under the Maintenance of Internal Security Act, 1971 (MISA), which continued to operate during the Emergency.
• Option (b) - WRONG. The question was whether detenus could approach the courts at all, not the Advisory Board timeline. (Article 22(4) speaks of three months.)
• Option (c) - CORRECT, for the reason in the verdict.
• Option (d) - WRONG. That reflects the later constitutional position and Justice Khanna's dissent, not the majority holding. Khanna held that the right to life and liberty does not depend on Article 21 alone and that the State cannot deprive a person of life or liberty without authority of law.

WHAT FOLLOWED

• The 44th Amendment (1978) amended Article 359 so that the enforcement of Articles 20 and 21 cannot be suspended during any Emergency.
• In K.S. Puttaswamy (2017), a nine-judge Bench described the majority judgments in ADM Jabalpur as seriously flawed, and overruled them; Justice Khanna's dissent was vindicated.

THE NEWS CONTEXT

The Union Government has observed 25 June as Samvidhan Hatya Diwas since its 2024 notification, recalling the suspension of civil liberties, censorship and detentions of 1975-77.

STATIC REVISION - HABEAS CORPUS

• Literally 'to have the body'; the most important safeguard of personal liberty.
• It lies against public authorities and private persons.
• It is not issued where detention is lawful, or is by a competent court.

> ADM Jabalpur (4:1): no habeas corpus during the Article 359 order; Khanna J dissented. Undone by the 44th Amendment; overruled in Puttaswamy (2017).

**69** **In August 2026, the chairman of the Joint Parliamentary Committee on the Constitution (129th Amendment) Bill, 2024 ('One Nation, One Election') said the framework could be rolled out in 2029 if the Constitution is amended. Under the Bill, the terms of State Legislative Assemblies constituted after the 'appointed date' will:**

**(a) end together with the full term of the Lok Sabha ✓**

(b) be fixed at six years from their first meetings

(c) be decided separately by each State Legislature

(d) continue until the Governor dissolves each House

**The costliest mistake in this exam isn't a wrong answer. It's a year you can't get back.**

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**Explanation**

**The correct answer is (a). The proposed Article 82A provides that the terms of all State Legislative Assemblies constituted after the appointed date shall come to an end on the expiry of the full term of the Lok Sabha, so that elections can be held simultaneously.**

THE BILL IN BRIEF

• It inserts a new Article 82A and amends Articles 83 (duration of the Houses of Parliament), 172 (duration of State Legislatures) and 327 (Parliament's power over elections).
• The President may bring Article 82A into force by notification on the date of the first sitting of the Lok Sabha after a general election - the 'appointed date'.
• If the Lok Sabha or an Assembly is dissolved early, fresh elections would be held only for the unexpired remainder of the term.
• The Election Commission may recommend deferring an Assembly election in special circumstances.

OPTION-WISE ANALYSIS

• Option (a) - CORRECT, for the reason in the verdict.
• Option (b) - WRONG. The normal five-year term continues; the six-year term existed only under the 42nd Amendment (1976-78).
• Option (c) - WRONG. The terms are fixed by the Constitution (Article 172), not by each State.
• Option (d) - WRONG. Assemblies can still be dissolved earlier, but the Bill's purpose is to synchronise their terms, not to leave them open-ended.

STATIC REVISION - THE CONSTITUTIONAL QUESTIONS

• Does curtailing Assembly terms affect federalism and democracy, which are basic features? Critics say yes; the government relies on the High-Level Committee (2024, chaired by Ram Nath Kovind), which said State ratification is not needed for this stage.
• Simultaneous elections were held in 1951-52, 1957, 1962 and 1967; the cycle broke after premature dissolutions of Assemblies and the Lok Sabha.

WHY IT MATTERS

The Bill tests the limits of Article 368 and the basic structure doctrine on federalism and the parliamentary system.

> 129th Amendment Bill: new Article 82A; Assembly terms end with the Lok Sabha's full term; early dissolution → election for the unexpired term only.

**70** **The Prevention of Insults to National Honour Act, 1971, amended by Parliament in July 2026, most directly gives effect to which one of the following Fundamental Duties?**

(a) To value and preserve the rich heritage of our composite culture

(b) To safeguard public property and to abjure all forms of violence

(c) To strive towards excellence in individual and collective activity

**(d) To respect the Constitution, the National Flag and the Anthem ✓**

**Explanation**

**The correct answer is (d). Article 51A(a) asks every citizen to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem. The 1971 Act punishes insults to the National Flag, the Constitution and the National Anthem - and, after the 2026 amendment, Vande Mataram.**

THE DEVELOPMENT

• The Prevention of Insults to National Honour (Amendment) Act, 2026 extended the Act's penal protection to the National Song, Vande Mataram, by substituting Section 3 of the 1971 Act.

OPTION-WISE ANALYSIS

• Option (a) - WRONG. That is Article 51A(f). Laws on ancient monuments and heritage give effect to it.
• Option (b) - WRONG. That is Article 51A(i). The Prevention of Damage to Public Property Act, 1984 gives effect to it.
• Option (c) - WRONG. That is Article 51A(j), a general aspirational duty.
• Option (d) - CORRECT, for the reason in the verdict.

STATIC REVISION - THE 1971 ACT

• Section 2: insult to the National Flag and the Constitution of India (burning, mutilating, defacing, trampling upon, or showing disrespect by words, spoken or written, or by acts).
• Section 3: intentionally preventing the singing of the National Anthem, or causing disturbance to an assembly engaged in it - now extended to Vande Mataram.
• Section 3A: enhanced punishment for repeat offences.

STATIC REVISION - THE NATIONAL FLAG

• The Flag Code of India, 2002 governs display; in Naveen Jindal (2004), the Supreme Court held that the right to fly the National Flag with respect and dignity is part of Article 19(1)(a), subject to reasonable restrictions.

WHY IT MATTERS

This is a standard example of Parliament enforcing a non-justiciable Fundamental Duty through ordinary legislation - the route the Verma Committee (1999) highlighted.

> National honour laws = Article 51A(a). Composite culture = 51A(f); public property = 51A(i); excellence = 51A(j).

**71** **In September 2026, a Chief Minister remarked that a Uniform Civil Code should be brought by Parliament rather than through individual States. With reference to a uniform civil code, which one of the following statements is correct?**

(a) Article 44 on a uniform civil code is a Fundamental Right that courts may enforce

**(b) Marriage and succession are Concurrent subjects, so a State can make its own law ✓**

(c) Goa is the only State in India that has a uniform civil code for all of its residents

(d) A uniform civil code can be introduced only through an amendment under Article 368

**Explanation**

**The correct answer is (b). Marriage, divorce, adoption, wills and succession fall under Entry 5 of the Concurrent List, so both Parliament and State Legislatures can legislate on them - subject to Article 254 if a State law conflicts with a central law.**

OPTION-WISE ANALYSIS

• Option (a) - WRONG. Article 44 is a Directive Principle in Part IV and is not enforceable by courts (Article 37). The Supreme Court has urged action on it (Shah Bano, 1985; Sarla Mudgal, 1995) but cannot compel it.
• Option (b) - CORRECT, for the reason in the verdict.
• Option (c) - WRONG. Goa has followed a common civil code inherited from Portuguese rule, but Uttarakhand enacted its own Uniform Civil Code in 2024, in force from January 2025 (with Scheduled Tribes excluded).
• Option (d) - WRONG. A uniform civil code can be enacted by an ordinary law of Parliament under the Concurrent List. A constitutional amendment would be needed only if it had to override specific constitutional protections, such as those for certain tribal areas.

STATIC REVISION - THE CONSTITUTIONAL FRAMEWORK

• Article 44: the State shall endeavour to secure for citizens a uniform civil code throughout the territory of India.
• Article 25: freedom of religion, subject to public order, morality, health and other Fundamental Rights; Article 25(2)(b) allows social welfare and reform.
• Article 254: a central law prevails over a repugnant State law on a Concurrent subject, unless the State law has the President's assent.
• Special provisions such as Article 371A (Nagaland) protect customary law in some areas.

THE DEBATE

Supporters cite equality, gender justice and national integration. Critics cite religious freedom, community autonomy and the federal diversity of personal laws. The 21st Law Commission (2018) said a UCC was 'neither necessary nor desirable' at that stage, recommending reform of family laws instead.

> UCC = Article 44 (DPSP). Personal law = Concurrent List Entry 5, so States can legislate (Uttarakhand 2024). Goa is not the only example now.

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**72** **The large-scale detention of protesters in Delhi on 10 October 2026 renewed debate on preventive detention. With reference to preventive detention under Article 22, which one of the following statements is correct?**

(a) Only Parliament, and not a State Legislature, can make a law providing for preventive detention

(b) The 44th Amendment's reduction of the Advisory Board period from three months to two is in force

**(c) Detention beyond three months needs an Advisory Board report of sufficient cause ✓**

(d) A detenu has a constitutional right to be represented by a lawyer before the Advisory Board

**Explanation**

**The correct answer is (c). Article 22(4) provides that no law for preventive detention shall authorise detention beyond three months unless an Advisory Board reports, before the end of that period, that there is sufficient cause for it.**

OPTION-WISE ANALYSIS

• Option (a) - WRONG. Preventive detention for reasons connected with defence, foreign affairs or the security of India is in the Union List (Entry 9); for the security of a State, public order and essential supplies it is in the Concurrent List (Entry 3). So both Parliament and the States can make such laws.

• Option (b) - WRONG. The 44th Amendment (1978) reduced the period to two months and changed the composition of Advisory Boards, but that part has never been brought into force. The original three-month rule still applies.

• Option (c) - CORRECT, for the reason in the verdict. The Board consists of persons who are, or are qualified to be, High Court judges.

• Option (d) - WRONG. In A.K. Roy v. Union of India (1982), the Court held that a detenu has no right to legal representation before the Advisory Board, though he may be assisted by a friend in some circumstances.

STATIC REVISION - OTHER SAFEGUARDS FOR DETENUS (Article 22(5)-(7))

• The grounds of detention must be communicated as soon as may be; facts may be withheld if disclosure is against the public interest.

• The detenu must get the earliest opportunity to make a representation.

• Parliament may prescribe the circumstances and maximum period of detention and the procedure of Advisory Boards (Article 22(7)).

LAWS IN FORCE

The National Security Act, 1980 and COFEPOSA, 1974 are central preventive detention laws; many States have their own.

WHY IT MATTERS

India is among the few democracies where preventive detention is part of the constitution itself, even in peacetime - a long-standing subject of criticism.

> Advisory Board review needed beyond THREE months (the 44th's two-month change is not in force). Both Parliament and States can legislate. No right to a lawyer before the Board (A.K. Roy).

**73** **In August 2026, the Union Government sought political support for a fresh constitutional amendment on delimitation and women's reservation, after the Constitution (131st Amendment) Bill failed to secure the required majority in the Lok Sabha in April 2026. Which one of the following is the majority required in each House for a Bill under Article 368?**

(a) A majority of the members present and voting, with at least half of the House present

(b) Two-thirds of the total membership of the House, irrespective of the number present

(c) Three-fourths of the members present and voting, together with State ratification

**(d) A majority of total membership and two-thirds of the members present and voting ✓**

**Explanation**

**The correct answer is (d). Article 368(2) requires, in each House, a majority of the total membership of that House AND a majority of not less than two-thirds of the members present and voting. Failing either condition defeats the Bill.**

THE DEVELOPMENT

• The 106th Amendment (2023; 'Nari Shakti Vandan Adhiniyam') reserves one-third of seats for women in the Lok Sabha, State Assemblies and the Delhi Assembly (Articles 330A, 332A, 239AA), but ties its operation to a delimitation after the next census (Article 334A). It was notified into force on 16 April 2026.

• The 131st Amendment Bill, introduced in a special sitting in April 2026 to bring forward delimitation and women's reservation, failed to obtain the required two-thirds majority in the Lok Sabha; allied Bills were withdrawn. In August 2026, the government sought support for a fresh attempt.

OPTION-WISE ANALYSIS

• Option (a) - WRONG. That describes a simple majority, used for ordinary Bills and for amendments outside Article 368 (such as Articles 2-4 and 169).

• Option (b) - WRONG. The Constitution does not require two-thirds of the total membership.

• Option (c) - WRONG. There is no three-fourths requirement; State ratification applies only to federal provisions.

• Option (d) - CORRECT, for the reason in the verdict.

STATIC REVISION - DELIMITATION

• Article 82 (Lok Sabha) and Article 170 (State Assemblies): readjustment after each census, by an authority Parliament determines (the Delimitation Commission).

• The 42nd Amendment froze inter-State allocation of seats on the basis of the 1971 census until 2000; the 84th Amendment extended the freeze until the first census after 2026.

WHY THE MAJORITY MATTERS

Even a government with a majority of total membership needs two-thirds of those present and voting, so constitutional amendments usually require cross-party support.

**Majorities in Parliament**

| Majority | Used for |
|---|---|
| Simple (present and voting) | Ordinary Bills; Articles 2-4; Article 169 |
| Special (Article 368) | Most constitutional amendments |
| Special + half the States | Federal provisions (proviso to Art. 368(2)) |
| Two-thirds present and voting (RS) | Article 249 and Article 312 resolutions |

> Special majority (Article 368) = majority of TOTAL membership AND two-thirds of PRESENT AND VOTING, in each House separately. State ratification only for federal provisions.

**74** **In June 2026, in Maniyar Iliyaz v. P. Ayyappan, the Supreme Court declared the right to walk on safe footpaths to be a fundamental right. Under which provisions did the Court primarily place this right?**

(a) Article 38 and Article 39, read with the Directive Principles

(b) Article 15(2), on access to roads and places of public resort

**(c) Article 19(1)(d) on free movement, read**

(d) Article 300A, read with the Motor Vehicles Act, 1988

**If you only find out on result day, you found out too late.**

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**Explanation**

**The correct answer is (c). The Court treated the right to walk as part of the freedom to move freely throughout the territory of India (Article 19(1)(d)), read with the right to life with dignity under Article 21, and also linked it to expression, assembly and association.**

THE DEVELOPMENT

• The Court directed that the judgment be sent to the Law Commission and to the Ministries of Housing and Urban Affairs, Rural Development, and Road Transport and Highways, so that a legal framework and duty-bearers can be identified.

• It urged dedicated laws and an independent regulatory body for pedestrian rights, and recognised that citizens may seek remedies against local bodies for failing to provide safe footpaths.

OPTION-WISE ANALYSIS

• Option (a) - WRONG. Directive Principles are non-justiciable and cannot themselves be the basis of a fundamental right, though they guide the interpretation of Article 21.

• Option (b) - WRONG. Article 15(2) bars discrimination on grounds of religion, race, caste, sex or place of birth in access to public places; it does not create a general right to safe infrastructure.

• Option (c) - CORRECT, for the reason in the verdict.

• Option (d) - WRONG. Article 300A concerns property and is not a Fundamental Right; the Motor Vehicles Act is a statute.

STATIC REVISION - ARTICLE 19(1)(d) AND (e)

• 19(1)(d): to move freely throughout the territory of India.

• 19(1)(e): to reside and settle in any part of India.

• Article 19(5) allows reasonable restrictions on both in the interests of the general public or for the protection of the interests of any Scheduled Tribe.

THE EXPANSION OF ARTICLE 21

Courts have read many rights into Article 21: livelihood, shelter, health, clean environment, privacy, speedy trial, legal aid, safe roads, digital access and now safe footpaths. Most such rulings rely on the idea of a 'life with dignity' (Francis Coralie Mullin, 1981).

> Right to walk on safe footpaths (2026) = Article 19(1)(d) read with Article 21. DPSPs and Article 300A cannot be the source.

**75** **On 12 October 2026, the Karnataka High Court struck down provisions of a 2022 State law that had raised reservation for Scheduled Castes and Scheduled Tribes, holding that the increase breached the 50 per cent ceiling. Consider the following statements:**

1. Article 16(4) is an enabling provision that permits reservation in appointments for any backward class of citizens not adequately represented in the services under the State.
2. Reservation of seats for Scheduled Castes and Scheduled Tribes in State Legislative Assemblies is provided under Article 16(4).
3. Article 46, which directs the State to promote the educational and economic interests of SCs and STs, is a Fundamental Right.
4. The 50 per cent ceiling on reservations is laid down in the text of Article 15(4).

**How many of the statements given above are correct?**

| | |
|---|---|
| **(a) Only one ✓** | (b) Only two |
| (c) Only three | (d) All four |

**Practise daily, and the test stops being a surprise.**

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**Explanation**

**The correct answer is (a) Only one. Only Statement 1 is correct. Legislative reservation for SCs and STs is under Article 332 (and 330 for the Lok Sabha); Article 46 is a Directive Principle; and the 50 per cent ceiling is a judicial rule from Indra Sawhney (1992), not part of the constitutional text.**

THE DEVELOPMENT

• The High Court declared Sections 3 and 4 of the Karnataka law of 2022, which had raised the SC and ST quotas, unconstitutional for violating Articles 14 and 15 by crossing the ceiling without extraordinary circumstances.

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. Article 16(4) empowers the State; it does not create a fundamental right to reservation (Mukesh Kumar, 2020).
• Statement 2 - WRONG. Article 330 reserves seats in the Lok Sabha and Article 332 in State Legislative Assemblies. Article 334 sets the time limit for this political reservation (extended periodically, most recently by the 104th Amendment to 2030).
• Statement 3 - WRONG. Article 46 is in Part IV and is non-justiciable, though it guides interpretation of Articles 15(4) and 16(4).
• Statement 4 - WRONG, for the reason in the verdict.

STATIC REVISION - THE 50 PER CENT RULE

• Indra Sawhney (nine judges, 1992): reservations should ordinarily not exceed 50%; relaxation only in extraordinary situations, such as far-flung areas, with extreme caution.
• Jaishri Laxmanrao Patil (2021) struck down Maharashtra's Maratha quota for crossing the limit.
• Tamil Nadu's 69% law was placed in the Ninth Schedule (76th Amendment, 1994), but after I.R. Coelho (2007) such laws remain open to basic structure review.
• In Janhit Abhiyan (2022), the majority held that the ceiling applies to backward-class reservations and did not bar the separate EWS quota.

RELATED PROVISIONS

Article 335 requires that the claims of SCs and STs to services be considered consistently with the maintenance of efficiency of administration.

**Reservation provisions at a glance**

| Article | Subject | Nature |
|---|---|---|
| 15(4) | Special provisions for SEBCs, SCs, STs | Enabling FR provision |
| 16(4) | Reservation in public appointments | Enabling FR provision |
| 46 | Promotion of interests of SCs, STs | Directive Principle |
| 330 / 332 | Seats in Lok Sabha / State Assemblies | Political reservation |

Article 16(4) = enabling (services). Legislative seats = Articles 330/332. Article 46 = DPSP. The 50% ceiling is judge-made (Indra Sawhney).

**76** **In September 2026, a Bench of the Supreme Court split on whether to refer the challenge to the law on the appointment of Election Commissioners to a Constitution Bench, with one judge observing that free and fair elections are a basic feature of the Constitution. Consider the following statements:**

1. Under Article 324(2), the Chief Election Commissioner and other Election Commissioners are appointed by the President, subject to any law made by Parliament.
2. In Anoop Baranwal (2023), the Supreme Court directed that, until Parliament made a law, appointments would be made on the advice of a committee of the Prime Minister, the Leader of the Opposition and the Chief Justice of India.
3. The selection committee under the law enacted in 2023 consists of the Prime Minister, the Leader of the Opposition in the Lok Sabha and a Union Cabinet Minister nominated by the Prime Minister.
4. Free and fair elections were recognised as a basic feature of the Constitution in Indira Gandhi v. Raj Narain (1975).

**How many of the statements given above are correct?**

(a) Only one

(b) Only two

(c) Only three

**(d) All four ✓**

**Explanation**

**The correct answer is (d) All four. Each statement correctly describes Article 324(2), the Anoop Baranwal ruling, the 2023 Act and the origin of 'free and fair elections' as a basic feature.**

THE DEVELOPMENT (Jaya Thakur v. Union of India, reported 25 September 2026)

• The Bench differed on referring the challenge to the Chief Election Commissioner and Other Election Commissioners Act, 2023 to a Constitution Bench. The matter was placed before the Chief Justice, with a suggestion to consider a permanent five-judge Bench.

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. For decades no such law existed, and appointments were made by the President on the advice of the Union government.

• Statement 2 - CORRECT. A five-judge Bench in Anoop Baranwal (March 2023) filled this gap, stressing the independence of the Commission.

• Statement 3 - CORRECT. The 2023 Act replaced the Chief Justice with a Union Cabinet Minister. Critics argue this gives the executive a majority on the committee; the government argues that Parliament has acted under the power Article 324(2) expressly gives it.

• Statement 4 - CORRECT. In that case the Court struck down Article 329A(4) (39th Amendment).

STATIC REVISION - THE ELECTION COMMISSION

• Article 324: superintendence, direction and control of elections to Parliament, State Legislatures and the offices of President and Vice-President.

• The CEC can be removed only like a Supreme Court judge; other ECs only on the CEC's recommendation (Article 324(5)).

• It became a multi-member body in 1989 (briefly) and again from 1993.

THE BASIC STRUCTURE LINK

The basic structure doctrine applies to constitutional amendments. Ordinary laws are tested against specific constitutional provisions such as Articles 14 and 324; the reference to free and fair elections as a basic feature indicates the constitutional value at stake.

**Appointment of Election Commissioners**

| Stage | Who selects |
|---|---|
| 1950 - 2023 | President on the advice of the Union government |
| Anoop Baranwal (2023), interim | PM, Leader of Opposition, CJI |
| 2023 Act | PM, Leader of Opposition, a Union Cabinet Minister |

Article 324(2): appointment by President subject to law. Anoop Baranwal (2023): PM + LoP + CJI interim. 2023 Act: CJI replaced by a Cabinet Minister. Free and fair elections = Raj Narain (1975).

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**77** **In September 2026, in Jaskaran Jeet Singh Deol v. State of Punjab, the Supreme Court held that an arrest made in breach of Article 22(1) is unconstitutional and entitles the person to immediate release. With reference to Article 22, consider the following statements:**

1. The Court held that written grounds of arrest must ordinarily be furnished to the arrested person in a language he understands.
2. The safeguards in Article 22(1) and 22(2) apply equally to a person detained under a preventive detention law.
3. Article 22(2) requires an arrested person to be produced before the nearest magistrate within 24 hours, excluding the time of the journey.
4. The Court held that the later filing of a charge sheet cures an arrest made in breach of Article 22(1).

**How many of the statements given above are correct?**

| | |
|---|---|
| (a) Only one | **(b) Only two ✓** |
| (c) Only three | (d) All four |

**Explanation**

**The correct answer is (b) Only two. Statements 1 and 3 are correct. Statement 2 is wrong because Article 22(3) excludes preventive detainees (and enemy aliens) from clauses (1) and (2). Statement 4 is wrong: the Court held that a later charge sheet or cognizance cannot cure an unconstitutional arrest.**

THE DEVELOPMENT (reported 24 September 2026; Justices Ujjal Bhuyan and A.S. Chandurkar)
• The Court held that Article 22(1) is mandatory, not merely procedural.
• Breach of Article 22(1) makes the arrest unconstitutional and entitles the person to immediate release - more than release on bail.
• The 24-hour rule under Article 22(2) is mandatory, and compensation may be awarded as a public-law remedy for its breach.
• Re-arrest after such a release needs judicial approval: investigators must give the grounds and approach the magistrate with reasons.

STATEMENT-WISE ANALYSIS
• Statement 1 - CORRECT. The Court said this must be done as a matter of course; the gravity of the offence cannot justify relaxing the safeguard. It builds on earlier rulings requiring written grounds in special-law arrests.
• Statement 2 - WRONG, for the reason in the verdict. Detenus get the separate safeguards of Articles 22(4) to 22(7): Advisory Board review for detention beyond three months, communication of grounds and the earliest opportunity to make a representation.
• Statement 3 - CORRECT. No person can be detained beyond that period without the authority of a magistrate.
• Statement 4 - WRONG, for the reason in the verdict.

STATIC REVISION - ARTICLE 22 (PUNITIVE ARREST)
• Right to be informed, as soon as may be, of the grounds of arrest.
• Right to consult, and be defended by, a legal practitioner of one's choice.
• Production before a magistrate within 24 hours.

LINK TO ARTICLE 21
Since Maneka Gandhi (1978), any procedure depriving a person of liberty must be fair, just and reasonable. D.K. Basu (1997) laid down arrest guidelines that complement Article 22.

**Article 22: punitive arrest vs preventive detention**

| Safeguard | Punitive arrest | Preventive detention |
|---|---|---|
| Grounds of arrest | Art. 22(1) | Art. 22(5) (grounds of detention) |
| Lawyer of choice | Art. 22(1) | Not guaranteed |
| Magistrate within 24 hours | Art. 22(2) | Not applicable |
| Review beyond three months | - | Advisory Board, Art. 22(4) |

Article 22(1)-(2) = punitive arrest only; preventive detainees get 22(4)-(7). A later charge sheet cannot cure a breach of 22(1).

A year is too long to wait for feedback.
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**78** **On 25 June 2026, the anniversary of the 1975 Emergency was observed as 'Samvidhan Hatya Diwas'. With reference to the Emergency of 1975-77 and the changes that followed it, consider the following statements:**

1. The Emergency of June 1975 was proclaimed on the ground of 'internal disturbance'.
2. When the 1975 Emergency was proclaimed, an earlier Proclamation of Emergency on the ground of external aggression was still in operation.
3. The 38th Amendment had made the President's satisfaction in proclaiming an Emergency final and beyond judicial review, but this was removed by the 44th Amendment.
4. After the 44th Amendment, the President may proclaim an Emergency on his own satisfaction, without a written decision of the Union Cabinet.

**How many of the statements given above are correct?**

(a) Only one

(b) Only two

**(c) Only three ✓**

(d) All four

**A wrong answer you understand is worth more than a right one you guessed.**

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**Explanation**

**The correct answer is (c) Only three. Statements 1, 2 and 3 are correct. Statement 4 is wrong: since the 44th Amendment, the President can proclaim an Emergency only after the decision of the Union Cabinet is communicated to him in writing (Article 352(3)).**

THE DEVELOPMENT

• 25 June 2026 marked 51 years since the Emergency was proclaimed in 1975. The Union Government had in 2024 notified that 25 June would be observed every year as Samvidhan Hatya Diwas. Leaders recalled the suspension of civil liberties, press censorship and mass detentions.

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. The Proclamation of 25 June 1975 cited a threat to the security of India from internal disturbance. It lasted until March 1977.
• Statement 2 - CORRECT. The Proclamation of December 1971 (war with Pakistan) was still in force; both Emergencies were revoked in 1977.
• Statement 3 - CORRECT. The 38th Amendment (1975) made the President's satisfaction 'final and conclusive' and non-justiciable. The 44th Amendment (1978) deleted that clause; in Minerva Mills (1980) the Court said a Proclamation can be challenged on grounds such as mala fides or wholly irrelevant grounds.
• Statement 4 - WRONG, for the reason in the verdict.

STATIC REVISION - 44th AMENDMENT SAFEGUARDS

• 'Armed rebellion' replaced 'internal disturbance'.
• Approval by Parliament within one month (instead of two), by a special majority; renewal every six months.
• The Lok Sabha can end an Emergency by a simple-majority resolution of disapproval.
• Article 358 applies only for war or external aggression.
• Articles 20 and 21 can never be suspended under Article 359.

WHY IT MATTERS

The 1975-77 experience - including ADM Jabalpur (1976) and the 39th and 42nd Amendments - shaped many of the constitutional safeguards examined in UPSC questions.

**The Emergency and the amendments around it**

| Amendment | Year | Key change |
|---|---|---|
| 38th | 1975 | President's satisfaction made final; non-justiciable |
| 39th | 1975 | Article 329A (elections of PM, Speaker) |
| 42nd | 1976 | Partial Emergency; Article 368(4)-(5) |
| 44th | 1978 | Armed rebellion; written Cabinet advice; Articles 20-21 protected |

> 1975: 'internal disturbance', while the 1971 Emergency was in force. 38th made satisfaction final; 44th removed it and required the Cabinet's written decision.

**79** **In July 2026, Parliament passed the Prevention of Insults to National Honour (Amendment) Bill, 2026. With reference to this law and the related constitutional provisions, consider the following statements:**

1. The amendment extends to Vande Mataram the statutory protection that the 1971 Act gives to the National Anthem.
2. Article 51A(a) makes it the duty of every citizen to respect the National Flag and the National Anthem.
3. Article 51A expressly requires every citizen to respect the National Song.
4. The Constituent Assembly adopted the National Anthem and the National Song on 24 January 1950.

**How many of the statements given above are correct?**

(a) Only one

(b) Only two

**(c) Only three ✓**

(d) All four

**Explanation**

**The correct answer is (c) Only three. Statements 1, 2 and 4 are correct. Statement 3 is wrong: Article 51A(a) refers to the National Flag and the National Anthem, not the National Song.**

THE DEVELOPMENT

• The Rajya Sabha passed the Bill on 29 July 2026 and the Lok Sabha on 30 July 2026, during the Monsoon Session; the President later gave assent.

• It substitutes Section 3 of the 1971 Act, making it an offence to intentionally prevent the singing of Vande Mataram or to disturb an assembly engaged in singing it - as already provided for the National Anthem. Reports describe a penalty of imprisonment up to three years, or fine, or both, with a minimum term for repeat offences.

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT, for the reason above. The 1971 Act's Section 2 already protects the National Flag and the Constitution against insult.

• Statement 2 - CORRECT. Article 51A(a): to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem.

• Statement 3 - WRONG, for the reason in the verdict. The protection for Vande Mataram therefore rests on statute, not on an express Fundamental Duty.

• Statement 4 - CORRECT. On 24 January 1950, Dr. Rajendra Prasad, as President of the Assembly, stated that Jana Gana Mana is the National Anthem and that Vande Mataram, which played a historic part in the freedom struggle, shall be honoured equally with it.

STATIC REVISION - FUNDAMENTAL DUTIES AND LAWS

• The Verma Committee (1999) identified laws that give effect to the duties; the Prevention of Insults to National Honour Act, 1971 is the main one for Article 51A(a).

• The duties are non-justiciable in themselves, but Parliament can enforce them by law, and courts may treat such laws as reasonable restrictions.

A RELATED FUNDAMENTAL RIGHTS POINT

In Bijoe Emmanuel (1986), the Supreme Court held that students who stood respectfully but did not sing the National Anthem for reasons of conscience could not be expelled - showing how duties and rights are balanced.

**National symbols and their protection**

| Symbol | Constitutional mention | Statutory protection |
|---|---|---|
| National Flag | Article 51A(a) | 1971 Act, Section 2 |
| Constitution | Article 51A(a) | 1971 Act, Section 2 |
| National Anthem | Article 51A(a) | 1971 Act, Section 3 |
| National Song | Not in Article 51A | 1971 Act as amended in 2026 |

> Article 51A(a) = National Flag and National Anthem only. Vande Mataram's protection is statutory (1971 Act as amended in 2026).

**The same mistake, made twice, is a habit. This is where you catch it the first time.**

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**80** **On 15 October 2026, in Just Rights for Children Alliance v. S. Harish, the Supreme Court recognised the right to access and use the internet as a fundamental right, while supporting proportionate safeguards for children. Consider the following statements:**

1. The Court located the right in Article 21 read with Article 19(1)(a).
2. Article 19(2) allows the State to restrict freedom of speech and expression on the general ground of 'public interest'.
3. The Court held that the right to access the internet is available only to persons who have attained the age of eighteen.
4. The freedoms guaranteed by Article 19 are available to foreign nationals residing in India.

**How many of the statements given above are correct?**

**(a) Only one ✓**

(b) Only two

(c) Only three

(d) All four

**Explanation**

**The correct answer is (a) Only one. Only Statement 1 is correct. Article 19(2) lists specific grounds and does not include a general 'public interest' ground; the Court held that every individual, including children irrespective of age, has the right; and Article 19 freedoms are available only to citizens.**

THE DEVELOPMENT

• While hearing applications on child sexual abuse material online, a Bench including Justice J.B. Pardiwala held that every individual, including children, has a fundamental right to access and use the internet.
• It rejected blanket age-based bans while supporting proportionate safeguards, and asked the Union to file a progress affidavit.

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. Reading Articles 21 and 19(1)(a) together extends protection to all persons (Article 21) while drawing on the content of the freedom of speech and information (Article 19(1)(a)).
• Statement 2 - WRONG. The Article 19(2) grounds are: sovereignty and integrity of India, security of the State, friendly relations with foreign States, public order, decency or morality, contempt of court, defamation, and incitement to an offence. A restriction must fall within one of them and be reasonable.
• Statement 3 - WRONG, for the reason in the verdict.
• Statement 4 - WRONG. Article 19 is limited to citizens; this is why the Court also relied on Article 21, which protects every person.

STATIC REVISION - TESTING RESTRICTIONS

• Proportionality (K.S. Puttaswamy, 2017; Anuradha Bhasin, 2020): a legitimate aim, a rational connection, necessity (no less restrictive alternative) and a balance between the right and the restriction.
• Anuradha Bhasin held that freedom of speech and the freedom to carry on trade through the internet are protected under Article 19(1)(a) and 19(1)(g), and that shutdown orders must be published, temporary and reviewable.
• Shreya Singhal (2015) struck down Section 66A of the IT Act for vagueness and over-breadth.

AMENDMENTS TO ARTICLE 19(2)

The 1st Amendment (1951) added public order, friendly relations and incitement; the 16th Amendment (1963) added sovereignty and integrity of India.

**Grounds of restriction in Article 19(2)**

| Ground | Added by |
|---|---|
| Security of the State, decency or morality, contempt, defamation | Original (1950) |
| Public order, friendly relations, incitement to an offence | 1st Amendment (1951) |
| Sovereignty and integrity of India | 16th Amendment (1963) |

No 'public interest' ground in Article 19(2). Article 19 = citizens only; Article 21 = all persons. The 2026 ruling covers every individual, children included.

**Reading a solution shows you the answer. Sitting the test shows you yourself.**

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**81** **On 14 October 2026, the Union Cabinet approved the continuation of the National Social Assistance Programme (NSAP) for 2026-27 to 2030-31. With reference to the NSAP and the related Directive Principle, consider the following statements:**

1. The NSAP was launched in 1995 and gives effect to the Directive Principle on public assistance in old age, sickness and disablement.
2. The programme is run by the Ministry of Rural Development, not the Ministry of Social Justice and Empowerment.
3. Article 41 directs the State, within the limits of its economic capacity, to make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement.

**Which of the statements given above is/are correct?**

(a) 1 and 2 only

(b) 2 and 3 only

(c) 1 and 3 only

**(d) 1, 2 and 3 ✓**

**Whoever sent you this knows their strengths, understands their gaps, and knows where they're headed. They're preparing with clarity and confidence—not fear. They know their edge. You can too.**

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**Explanation**

**The correct answer is (d) 1, 2 and 3. All three statements are correct: the NSAP (launched on 15 August 1995) is a non-contributory social assistance programme of the Ministry of Rural Development that implements Article 41.**

THE DEVELOPMENT

• The Cabinet approved continuing the NSAP for five years, co-terminous with the Sixteenth Finance Commission period. It covers old age, widow and disability pensions, family benefit and the Annapurna scheme in all States and Union Territories.

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. The NSAP marked the Union's entry into social assistance for the poor, complementing State schemes.
• Statement 2 - CORRECT. It is administered by the Department of Rural Development (not the Ministry of Social Justice), and implemented through States and UTs, which often add their own top-ups.
• Statement 3 - CORRECT. This is the text of Article 41 in substance. Its qualifier - 'within the limits of its economic capacity and development' - is typical of the Directive Principles.

STATIC REVISION - SOCIALISTIC DIRECTIVE PRINCIPLES

• Article 38: a social order based on justice; minimise inequalities (38(2), 44th Amendment).
• Article 39: adequate means of livelihood, distribution of resources for the common good, prevention of concentration of wealth, equal pay for equal work, protection of children.
• Article 41: right to work, education and public assistance.
• Article 42: just and humane conditions of work and maternity relief.
• Article 43: living wage and decent standard of life.
• Article 47: nutrition, standard of living and public health.

WHY IT MATTERS

Directive Principles are realised through laws and schemes such as the NSAP, MGNREGA (right to work, Article 41) and the National Food Security Act (Article 47). Courts also use them to interpret Article 21, for example in reading the right to livelihood and dignity into it.

**NSAP components**

| Component | Beneficiary |
|---|---|
| IGNOAPS | BPL persons aged 60 and above |
| IGNWPS | BPL widows |
| IGNDPS | BPL persons with disabilities |
| NFBS | BPL household on death of the breadwinner |
| Annapurna | Eligible elderly not covered by pension |

NSAP = 1995, Ministry of Rural Development, implements Article 41 (public assistance in old age, sickness, disablement).

**82** **In July 2026, the Joint Parliamentary Committee examining the Constitution (130th Amendment) Bill, 2025 deferred the adoption of its report. The Bill provides for the removal of the Prime Minister, Chief Ministers and Ministers detained in custody. Consider the following statements:**

1. The Bill seeks to amend Articles 75, 164 and 239AA of the Constitution.
2. It applies to a Minister accused of an offence punishable with imprisonment of five years or more who is arrested and detained for 30 consecutive days.
3. If the two Houses disagree on the Bill, it can be passed at a joint sitting of Parliament.
4. Being an amendment to Articles 75 and 164, the Bill requires ratification by the legislatures of at least half of the States.

**How many of the statements given above are correct?**

(a) Only one

**(b) Only two ✓**

(c) Only three

(d) All four

**Explanation**

**The correct answer is (b) Only two. Statements 1 and 2 are correct. Statement 3 is wrong because there is no joint sitting for constitutional amendment Bills. Statement 4 is wrong because Articles 75, 164 and 239AA are not among the federal provisions listed in the proviso to Article 368(2).**

THE DEVELOPMENT

• The Bill was introduced in the Lok Sabha in August 2025, with the Government of Union Territories (Amendment) Bill and the Jammu and Kashmir Reorganisation (Amendment) Bill, and referred to a Joint Parliamentary Committee.
• On 17 July 2026, the JPC deferred adopting its report after voting on some of its recommendations; reports said the panel had proposed suspension rather than removal.

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. Article 75 (Union ministers), Article 164 (State ministers) and Article 239AA (Delhi).
• Statement 2 - CORRECT. A Minister would be removed by the President or Governor on the advice of the Prime Minister or Chief Minister; the Prime Minister or a Chief Minister must resign, failing which they cease to hold office from the 31st day of detention.
• Statement 3 - WRONG, for the reason in the verdict. Each House must pass it separately by a special majority.
• Statement 4 - WRONG, for the reason in the verdict. A special majority of Parliament suffices.

THE CONSTITUTIONAL DEBATE

• Supporters: it upholds probity and public trust in high office.
• Critics (including analyses such as PRS's): removal on detention, without conviction, may affect the presumption of innocence, the parliamentary system, federalism and the separation of powers - features of the basic structure.

STATIC REVISION - ARTICLE 368

• Introduced in either House, by a minister or private member, without the President's recommendation.
• Special majority in each House; ratification by half the States only for federal provisions.
• The President must give assent (24th Amendment).
• A JPC is an ad hoc committee constituted by a motion adopted in one House and agreed to by the other.

> 130th Amendment Bill: Articles 75, 164, 239AA; 5-year offence + 30 days' detention. No joint sitting for amendment Bills; no State ratification here.

**83** **In the following question, an Assertion (A) is followed by a Reason (R). Select the correct option from the codes given below.**

**Assertion (A):** Only Parliament, and not a State Legislature, can make laws prescribing punishment for the practice of untouchability.

**Reason (R):** Article 35 vests in Parliament alone the power to make laws prescribing punishment for acts declared to be offences under Part III, so as to ensure uniformity across India.

**(a) Both A and R are true and R is the correct explanation of A ✓**

(b) Both A and R are true but R is NOT the correct explanation of A

(c) A is true but R is false

(d) A is false but R is true

**The exam will ask what you avoided. Find out what that is while it still costs nothing.**

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**Explanation**

**The correct answer is (A): both A and R are true, and R correctly explains A. Article 35(a)(ii) gives Parliament the exclusive power to prescribe punishment for offences under Part III, including untouchability (Article 17), so that the same punishment applies throughout the country.**

ASSERTION - TRUE

• The Protection of Civil Rights Act, 1955 is a central law, enacted by Parliament under Article 35. States cannot create their own offences of untouchability with separate punishments.

REASON - TRUE, AND IT EXPLAINS A

• Article 35 says Parliament shall have, and the legislature of a State shall not have, the power to make laws with respect to:
- matters under Article 16(3) (residence requirement), 32(3) (empowering other courts to issue writs), 33 (modification of rights of armed forces and police) and 34 (restriction of rights during martial law);
- prescribing punishment for acts declared to be offences under Part III - untouchability (Article 17) and traffic in human beings and forced labour (Article 23).
• The power is given to Parliament precisely so that these matters are treated uniformly throughout India - which explains A.

TOPIC REVISION - ARTICLES 33 AND 34

• Article 33: Parliament may restrict or abrogate Fundamental Rights of members of the armed forces, paramilitary forces, police and intelligence agencies, to ensure discipline and the proper discharge of duties.
• Article 34: Parliament may indemnify officials for acts done to maintain or restore order in an area where martial law was in force. The Constitution does not define martial law, and its declaration does not suspend habeas corpus by itself.

WHY IT MATTERS

Article 35 is an exception to the federal division of legislative powers, made in the interest of uniform protection of Fundamental Rights.

**Article 35: matters reserved for Parliament**

| Provision | Subject |
|---|---|
| Article 16(3) | Residence as condition for State employment |
| Article 32(3) | Empowering other courts to issue writs |
| Articles 33 and 34 | Armed forces; martial law |
| Articles 17 and 23 | Punishment for untouchability, trafficking, forced labour |

> Article 35 = Parliament only: Articles 16(3), 32(3), 33, 34, and punishments for Part III offences (Articles 17, 23). States have no power here.

**84** **In the following question, an Assertion (A) is followed by a Reason (R). Select the correct option from the codes given below.**

**Assertion (A):** The right to move the Supreme Court for the enforcement of specified Fundamental Rights can be suspended during a Proclamation of National Emergency.

**Reason (R):** The right to constitutional remedies under Article 32 is not itself a Fundamental Right.

(a) Both A and R are true and R is the correct explanation of A

(b) Both A and R are true but R is NOT the correct explanation of A

**(c) A is true but R is false ✓**

(d) A is false but R is true

**Explanation**

**The correct answer is (C): A is true, but R is false. Article 32 is itself a Fundamental Right in Part III. It can be suspended only as the Constitution provides - by a Presidential order under Article 359 during an Emergency.**

ASSERTION - TRUE

• Article 32(4) says the right guaranteed by Article 32 shall not be suspended except as otherwise provided by the Constitution.
• Article 359 provides that exception: during a National Emergency, the President may by order suspend the right to move any court for the enforcement of the Fundamental Rights mentioned in the order.
• Since the 44th Amendment (1978), Articles 20 and 21 cannot be included in such an order.

REASON - FALSE

• Article 32 is in Part III. Dr. Ambedkar called it the 'very soul' and 'heart' of the Constitution, because a right without a remedy is meaningless.
• The Supreme Court has held that Article 32 is part of the basic structure (L. Chandra Kumar, 1997), so it cannot be abridged by a constitutional amendment.

TOPIC REVISION - ARTICLE 32

• Clause (1): the right to move the Supreme Court by appropriate proceedings.
• Clause (2): power to issue directions, orders or writs - habeas corpus, mandamus, prohibition, quo warranto and certiorari.
• Clause (3): Parliament may empower any other court to exercise these powers within its local limits.
• Clause (4): no suspension except as provided by the Constitution.

RELATED POINTS

• Public interest litigation relaxed the rule of standing under Article 32 (S.P. Gupta, 1981).
• The Supreme Court can award compensation for violation of Fundamental Rights in Article 32 proceedings (Rudul Sah, 1983; Nilabati Behera, 1993).

> Article 32 IS a Fundamental Right (and part of the basic structure). It can be suspended only via Article 359 during an Emergency, never for Articles 20 and 21.

**85** **Which one of the following Fundamental Rights is expressly available against private individuals as well as against the State?**

(a) Equality before the law and the equal protection of the laws (Article 14)

**(b) Abolition of untouchability and of its practice in any form (Article 17) ✓**

(c) Protection of the freedom of speech and expression (Article 19(1)(a))

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

**Every explanation here was written to teach, not to justify an answer key.**

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**Explanation**

**The correct answer is (b). Article 17 abolishes untouchability as such, and its practice in any form - including by private persons - is forbidden. Most Fundamental Rights, by contrast, operate only against the 'State' as defined in Article 12.**

OPTION-WISE ANALYSIS

• Option (a) - WRONG. Article 14 says 'The State shall not deny to any person equality before the law or the equal protection of the laws'. It binds the State.

• Option (b) - CORRECT, for the reason in the verdict. The Protection of Civil Rights Act, 1955 punishes private individuals who practise untouchability, for example by denying access to shops, temples or water sources.

• Option (c) - WRONG. Article 19 freedoms are guaranteed against State action; a private employer or club restricting speech does not violate Article 19 as such. (The Supreme Court has discussed horizontal application of Article 19 and 21 in some cases, but the text addresses the State.)

• Option (d) - WRONG. Article 16 concerns employment 'under the State'.

TOPIC REVISION - RIGHTS EXPRESSLY ENFORCEABLE AGAINST PRIVATE PERSONS

• Article 15(2): no citizen shall be subjected to any disability with regard to access to shops, public restaurants, hotels, places of public entertainment, and the use of wells, tanks, roads and places of public resort.

• Article 17: abolition of untouchability.

• Article 23: prohibition of traffic in human beings, begar and other forced labour.

• Article 24: prohibition of employment of children below 14 in factories, mines and other hazardous employment.

WHAT IS 'STATE' UNDER ARTICLE 12

• The Government and Parliament of India; the governments and legislatures of States.

• All local authorities (municipalities, panchayats, district boards).

• Other authorities, including statutory and non-statutory bodies that are instrumentalities or agencies of the State (Ajay Hasia, 1981 - the 'functional, financial and administrative control' tests).

WHY IT MATTERS

Distinguishing State action from private action determines whether a writ under Article 32 or 226 is available against a body.

**Against whom Fundamental Rights operate**

| Right | Against the State | Against private persons |
|---|---|---|
| Article 14 | Yes | No |
| Article 15(2) | Yes | Yes |
| Article 17 | Yes | Yes |
| Articles 23 and 24 | Yes | Yes |

Rights expressly enforceable against private persons: Articles 15(2), 17, 23, 24. Most others bind only the 'State' under Article 12.

**86** **With reference to the right to property in India, which one of the following statements is correct?**

(a) It continues to be a Fundamental Right under Article 31 of Part III

(b) It was removed from Part III by the 42nd Amendment Act, 1976

(c) Article 300A guarantees market-value compensation for every acquisition

**(d) It is now a constitutional right under Article 300A, outside Part III ✓**

**Well prepared is not the same as competitive. Know which one you are.**

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**Explanation**

**The correct answer is (d). The 44th Amendment (1978) deleted Article 19(1)(f) and Article 31 from Part III, and inserted Article 300A in Part XII: 'No person shall be deprived of his property save by authority of law'. It is a constitutional (legal) right, not a Fundamental Right.**

OPTION-WISE ANALYSIS

• Option (a) - WRONG. Article 31 was repealed by the 44th Amendment.
• Option (b) - WRONG. The 42nd Amendment did not remove the right to property; the Janata government's 44th Amendment did, because the right had been the subject of repeated litigation and amendments.
• Option (c) - WRONG. Article 300A does not itself guarantee compensation. The courts have held that deprivation must be by a valid law that is just, fair and reasonable, and that compensation is ordinarily expected (K.T. Plantation, 2011), but there is no general constitutional guarantee of market value. Market value is guaranteed only in the case covered by the second proviso to Article 31A (below).
• Option (d) - CORRECT, for the reason in the verdict.

TOPIC REVISION - CONSEQUENCES OF THE CHANGE

• The right protects against executive action without legal authority, but not against legislative action.
• A person whose property is taken cannot move the Supreme Court under Article 32 (which is for Fundamental Rights only); he can approach a High Court under Article 226.
• The Supreme Court has held that the right to property is not part of the basic structure (Jilubhai Nanbhai Khachar, 1995).

PROPERTY-RELATED PROVISIONS STILL IN PART III

• Article 30(1A): compensation for acquisition of property of a minority educational institution.
• Article 31A, second proviso: compensation at not less than market value when the State acquires land under a person's personal cultivation within the statutory ceiling limit.
• Articles 31A, 31B (Ninth Schedule) and 31C (saving of laws giving effect to certain Directive Principles).

HISTORY

The 1st, 4th, 17th, 25th and 42nd Amendments, and cases such as Golaknath, Bank Nationalisation (R.C. Cooper, 1970) and Kesavananda, all turned on property rights.

> 44th Amendment (not 42nd) removed property from Part III; Article 300A is a constitutional right; no Article 32 remedy; market value only under Article 31A's second proviso.

**87** **With reference to the rights under Articles 15 to 18 of the Constitution of India, consider the following statements:**

1. The term 'untouchability' is defined neither in the Constitution nor in the Protection of Civil Rights Act, 1955.
2. National awards such as the Bharat Ratna and the Padma awards are 'titles' within the meaning of Article 18.
3. Under Article 16(3), Parliament may prescribe residence within a State as a condition for certain employment or appointment in that State.

**Which of the statements given above is/are correct?**

(a) 1 and 2 only

(b) 2 and 3 only

**(c) 1 and 3 only ✓**

(d) 1, 2 and 3

**Explanation**

**The correct answer is (c) 1 and 3 only. Statement 2 is wrong: in Balaji Raghavan v. Union of India (1996), the Supreme Court held that national awards are not 'titles' under Article 18, though they should not be used as suffixes or prefixes to names.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. Article 17 abolishes untouchability and forbids its practice in any form; enforcing any disability arising from it is an offence punishable by law. The courts have explained that the term refers to social disabilities historically imposed on certain castes by birth, not its literal or grammatical sense. The Untouchability (Offences) Act, 1955 was renamed the Protection of Civil Rights Act in 1976.

• Statement 2 - WRONG, for the reason in the verdict. The Court treated the awards as recognition of merit, consistent with the principle of equality.

• Statement 3 - CORRECT. Article 16(3) is an exception to equality of opportunity in public employment. Only Parliament (not a State legislature) can prescribe such residence conditions (Article 35).

TOPIC REVISION - ARTICLE 18

• Abolishes titles; prohibits the State from conferring titles, except military or academic distinctions.

• Forbids a citizen from accepting a title from a foreign State.

• A foreigner holding an office of profit or trust under the State needs the President's consent to accept a foreign title.

• Any person holding such an office needs the President's consent to accept a present, emolument or office from a foreign State.

TOPIC REVISION - ARTICLE 15 EXCEPTIONS

• 15(3): special provisions for women and children.

• 15(4): special provisions for socially and educationally backward classes, SCs and STs (1st Amendment, 1951).

• 15(5): reservation in educational institutions, including private ones (93rd Amendment, 2005).

• 15(6): economically weaker sections (103rd Amendment, 2019).

WHY IT MATTERS

Articles 17 and 18 express the Constitution's commitment to social equality: abolishing caste-based disabilities and artificial distinctions of rank.

**Articles 17 and 18**

| Article | What it does | Exceptions |
|---|---|---|
| 17 | Abolishes untouchability; offence to enforce it | None |
| 18(1) | State shall not confer titles | Military and academic distinctions |
| 18(2) | Citizens may not accept foreign titles | None |

> National awards are not 'titles' (Balaji Raghavan, 1996). Only Parliament can prescribe residence requirements under Article 16(3). 'Untouchability' is undefined.

**The exam doesn't ask how much you studied. It asks where you stand among everyone who studied too.**

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**88** **With reference to the writs that may be issued by the Supreme Court and the High Courts, consider the following statements:**

1. The writ of habeas corpus can be issued against private individuals as well as public authorities.
2. The writ of mandamus can be issued against the President of India or the Governor of a State to compel the performance of a public duty.
3. A petition for a writ of quo warranto can be filed by any person, not necessarily one personally aggrieved.
4. The writ jurisdiction of the Supreme Court under Article 32 is wider than that of the High Courts under Article 226.

**How many of the statements given above are correct?**

| | |
|---|---|
| (a) Only one | **(b) Only two ✓** |
| (c) Only three | (d) All four |

**Explanation**

**The correct answer is (b) Only two. Statements 1 and 3 are correct. Statement 2 is wrong because mandamus cannot be issued against the President or a Governor (Article 361 protects them). Statement 4 is wrong because the High Courts' writ jurisdiction is wider: they can issue writs for Fundamental Rights and 'for any other purpose'.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. Habeas corpus ('to have the body') requires a person who has detained another to produce him before the court, which examines the legality of the detention. It lies against both public authorities and private persons. It is not issued where the detention is lawful, or where the person is detained in execution of a court order.

• Statement 2 - WRONG, for the reason in the verdict. Mandamus ('we command') also does not lie against a private individual or body, to enforce a departmental instruction without statutory force, to compel performance of a discretionary duty, or against a Chief Justice of a High Court acting judicially.

• Statement 3 - CORRECT. Quo warranto ('by what authority') examines whether a person holding a substantive public office created by statute or the Constitution has a legal right to it. Unlike other writs, any interested person may seek it. It does not lie for ministerial or private offices.

• Statement 4 - WRONG, for the reason in the verdict. Article 32 is limited to enforcing Fundamental Rights, but it is itself a Fundamental Right; Article 226 is not.

TOPIC REVISION - THE OTHER TWO WRITS

• Prohibition: issued by a higher court to a lower court or tribunal to stop it from exceeding its jurisdiction; preventive.

• Certiorari: issued to quash an order already passed without or in excess of jurisdiction; both preventive and curative. Since 1991 it can also be issued against administrative authorities affecting rights.

• Neither lies against legislative bodies or private individuals.

ARTICLE 32 vs ARTICLE 226

Article 32 covers the whole of India; Article 226 covers the territory of the High Court (and causes of action arising there). The Supreme Court cannot refuse an Article 32 petition as a matter of discretion where a Fundamental Right is violated, while a High Court's Article 226 power is discretionary.

**The five writs**

| Writ | Meaning | Lies against private persons? |
|---|---|---|
| Habeas corpus | To have the body | Yes |
| Mandamus | We command | No |
| Prohibition | To forbid | No (courts and tribunals) |
| Certiorari | To be certified | No |
| Quo warranto | By what authority | No (public office only) |

> Habeas corpus - public and private; mandamus - not against President, Governor or private persons; quo warranto - any person may seek it. High Courts' writ power is WIDER ('any other purpose').

**A limited number of places. One honest question: are you holding yours?**

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**89** **With reference to Article 13 of the Constitution of India, consider the following statements:**

1. The term 'law' in Article 13 includes ordinances, bye-laws, rules, regulations, notifications, and customs or usages having the force of law.
2. Under the doctrine of eclipse, a pre-constitutional law inconsistent with a Fundamental Right becomes dormant rather than void, and can revive if the inconsistency is removed by a constitutional amendment.
3. Article 13(4), inserted by the 24th Amendment, declares that a constitutional amendment made under Article 368 is not a 'law' for the purposes of Article 13.
4. Under the doctrine of severability, an entire statute must be struck down if any one of its provisions violates a Fundamental Right.

**How many of the statements given above are correct?**

(a) Only one

(b) Only two

**(c) Only three ✓**

(d) All four

**The exam ranks everyone together, whatever language they write in. So does this.**

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**Explanation**

**The correct answer is (c) Only three. Statements 1, 2 and 3 are correct. Statement 4 is wrong: under the doctrine of severability, only the offending part is struck down, provided it can be separated from the rest; the remainder of the law survives.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. Article 13(3)(a) gives 'law' a wide meaning: permanent laws, temporary laws such as ordinances, and delegated legislation (orders, bye-laws, rules, regulations, notifications), as well as non-legislative sources such as customs or usages having the force of law. All of them can be challenged for violating Fundamental Rights.

• Statement 2 - CORRECT. Article 13(1) makes pre-constitutional laws void 'to the extent of' inconsistency. In Bhikaji Narain Dhakras (1955), the Court held that such a law is not dead but overshadowed: it remains valid for past transactions, and revives if the Fundamental Right is amended to remove the inconsistency.

• Statement 3 - CORRECT. The 24th Amendment (1971) inserted Article 13(4) to overcome Golaknath (1967). Kesavananda Bharati (1973) upheld it, but added that amendments cannot destroy the basic structure.

• Statement 4 - WRONG, for the reason in the verdict. Only if the valid and invalid parts are so inseparable that the legislature would not have enacted one without the other does the whole law fall.

TOPIC REVISION - ARTICLE 13 AS THE BASIS OF JUDICIAL REVIEW

• Article 13(1): pre-constitutional laws void to the extent of inconsistency.
• Article 13(2): the State shall not make any law that takes away or abridges Fundamental Rights.
• Article 13(3): the definitions of 'law' and 'laws in force'.
• Article 13(4): constitutional amendments excluded.

LINKED DOCTRINES

• Doctrine of eclipse: applies to pre-constitutional laws; post-constitutional laws that violate Fundamental Rights are void from the start (Deep Chand, 1959).
• Doctrine of severability: strike down only what is bad.
• Judicial review of laws (Articles 13, 32, 226) is part of the basic structure (L. Chandra Kumar, 1997).

**Doctrines linked to Article 13**

| Doctrine | Applies to | Effect |
|---|---|---|
| Severability | Any law | Only the offending part is struck down |
| Eclipse | Pre-constitutional laws | Dormant; revives if inconsistency removed |
| Article 13(4) | Constitutional amendments | Not 'law' under Article 13 |

> Severability saves the valid remainder; eclipse makes a pre-1950 law dormant, not dead. Article 13(4) (24th Amendment) excludes constitutional amendments from 'law'.

**90** **In the following question, an Assertion (A) is followed by a Reason (R). Select the correct option from the codes given below.**

**Assertion (A):** A citizen cannot obtain a writ from a court directing the State to implement a Directive Principle.

**Reason (R):** Article 37 declares that the provisions of Part IV shall not be enforceable by any court.

| | |
|---|---|
| **(a) Both A and R are true and R is the correct explanation of A ✓** | (b) Both A and R are true but R is NOT the correct explanation of A |
| (c) A is true but R is false | (d) A is false but R is true |

**Explanation**

**The correct answer is (A): both A and R are true, and R correctly explains A. Because Article 37 makes Part IV non-justiciable, no court can compel the State to give effect to a Directive Principle as such.**

ASSERTION - TRUE

• A citizen cannot, for instance, seek a mandamus directing Parliament to enact a uniform civil code (Article 44) or the State to introduce prohibition (Article 47).

• Courts have repeatedly declined to direct the legislature to make a particular law, which would also offend the separation of powers.

REASON - TRUE, AND IT EXPLAINS A

• Article 37: the provisions of Part IV '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'.

• Non-enforceability is the direct reason why A is true.

WHAT COURTS CAN DO WITH DIRECTIVE PRINCIPLES

• Use them to interpret statutes and Fundamental Rights, giving Article 21 a wide meaning (livelihood, health, education, legal aid, environment).

• Treat a restriction on Fundamental Rights as reasonable because it implements a Directive Principle.

• Recommend that governments act on them, as the Supreme Court has done on the uniform civil code.

THE DUTY OF THE STATE

Although not enforceable, Article 37 makes applying these principles a constitutional duty. Their implementation is through laws such as land reforms, the Minimum Wages Act, the Legal Services Authorities Act, the 73rd and 74th Amendments, and welfare schemes.

HOW TO APPROACH SUCH A-R QUESTIONS

If R states the constitutional rule from which A directly follows, the answer is (A).

> Article 37: non-enforceable BUT fundamental in governance, and a duty of the State in law-making.

**91** **In the following question, an Assertion (A) is followed by a Reason (R). Select the correct option from the codes given below.**

**Assertion (A):** The right to free legal aid has been held to be part of the right to life and personal liberty under Article 21, although free legal aid is listed in Article 39A.

**Reason (R):** Directive Principles can be directly enforced by a writ petition under Article 32.

(a) Both A and R are true and R is the correct explanation of A

(b) Both A and R are true but R is NOT the correct explanation of A

**(c) A is true but R is false ✓**

(d) A is false but R is true

**Write in your language. Be ranked against everyone. Nothing here is measured in a smaller room.**

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**Explanation**

**The correct answer is (C): A is true, but R is false. Directive Principles are not directly enforceable. Free legal aid became enforceable only because the courts read it into Article 21, a Fundamental Right.**

ASSERTION - TRUE

• In M.H. Hoskot (1978) and Hussainara Khatoon (1979), the Supreme Court held that a fair, just and reasonable procedure under Article 21 (after Maneka Gandhi, 1978) includes free legal services for an accused person who cannot afford a lawyer.
• The Court drew on Article 39A to give content to Article 21.
• Article 22(1) also guarantees the right to consult and be defended by a legal practitioner of one's choice.

REASON - FALSE

• Article 37 bars courts from enforcing Directive Principles. They become enforceable only when they are translated into law by the legislature, or when their content is read into a Fundamental Right by the courts.

TOPIC REVISION - DIRECTIVE PRINCIPLES READ INTO FUNDAMENTAL RIGHTS

• Free legal aid (Article 39A) into Article 21.
• Right to livelihood (Article 39(a)) into Article 21 (Olga Tellis, 1985).
• Right to education (Article 45, earlier) into Article 21 (Unni Krishnan, 1993), later made Article 21A.
• Equal pay for equal work (Article 39(d)) into Articles 14 and 16.
• Right to a healthy environment (Article 48A) into Article 21.

LEGISLATIVE IMPLEMENTATION

The Legal Services Authorities Act, 1987 set up NALSA, State and District Legal Services Authorities, and Lok Adalats to implement Article 39A.

HOW TO APPROACH SUCH A-R QUESTIONS

A true statement about indirect enforcement through Article 21 does not mean Directive Principles are directly enforceable.

**Directive Principles read into Fundamental Rights**

| Directive Principle | Fundamental Right | Case |
|---|---|---|
| Free legal aid (39A) | Article 21 | Hussainara Khatoon (1979) |
| Livelihood (39(a)) | Article 21 | Olga Tellis (1985) |
| Education (45) | Article 21 | Unni Krishnan (1993) |
| Equal pay (39(d)) | Articles 14 and 16 | Randhir Singh (1982) |

> Free legal aid is enforceable via Article 21 (Hussainara Khatoon), not because DPSPs are justiciable. Article 37 keeps them non-enforceable.

**92** **Which one of the following is NOT a Directive Principle of State Policy?**

(a) Securing for citizens a uniform civil code throughout India

(b) Separating the judiciary from the executive in public services

(c) Organising village panchayats as units of self-government

**(d) Abolishing untouchability and forbidding its practice ✓**

**Explanation**

**The correct answer is (d). Abolition of untouchability is a Fundamental Right under Article 17 in Part III, enforceable in court. The other three are Directive Principles in Part IV.**

OPTION-WISE ANALYSIS

• Option (a) - WRONG (it IS a Directive Principle). Article 44 directs the State to endeavour to secure a uniform civil code for citizens throughout the territory of India.
• Option (b) - WRONG (it IS a Directive Principle). Article 50 directs the State to separate the judiciary from the executive in the public services of the State. The Code of Criminal Procedure, 1973 gave effect to it by separating judicial magistrates from executive magistrates.
• Option (c) - WRONG (it IS a Directive Principle). Article 40 directs the State to organise village panchayats and endow them with powers to function as units of self-government.
• Option (d) - CORRECT, for the reason in the verdict.

TOPIC REVISION - KEY DIFFERENCES BETWEEN PART III AND PART IV

• Fundamental Rights are justiciable (Article 32); Directive Principles are not (Article 37).
• Fundamental Rights are largely negative - they restrain the State; Directive Principles are positive - they require the State to act.
• Fundamental Rights aim at political democracy; Directive Principles at social and economic democracy and a welfare State.
• Fundamental Rights need no legislation to operate; most Directive Principles need laws to be implemented.
• Courts can declare a law violating Fundamental Rights void; they cannot do so for violating a Directive Principle - but they can uphold a law as reasonable because it implements one.

DIRECTIVES OUTSIDE PART IV

Some directions to the State lie outside Part IV and are also non-justiciable - for example Article 335 (claims of SCs and STs to services), Article 350A (instruction in the mother tongue at primary stage) and Article 351 (development of Hindi).

> Abolition of untouchability = Article 17 (Fundamental Right). UCC (44), separation of judiciary (50) and village panchayats (40) are Directive Principles.

**93** **Dr. B.R. Ambedkar described the Directive Principles as a 'novel feature' of the Constitution. They were compared to which one of the following under the Government of India Act, 1935?**

**(a) The Instrument of Instructions issued to the Governor-General and Governors ✓**

(b) The scheme of provincial autonomy introduced in the British Indian provinces

(c) The Federal Legislative List that set out the subjects of the Central legislature

(d) The power under Section 93 to take over a province's administration

**The costliest mistake in this exam isn't a wrong answer. It's a year you can't get back.**

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**Explanation**

**The correct answer is (a). Dr. Ambedkar said the Directive Principles are like the Instrument of Instructions issued to the Governor-General and Governors under the 1935 Act - with the difference that they are instructions to the legislature and the executive, and are backed by the people.**

OPTION-WISE ANALYSIS

• Option (a) - CORRECT, for the reason in the verdict. The Instruments of Instructions were directions from the British Crown on how the Governor-General and Governors should exercise their powers. Ambedkar said the Directive Principles are a similar 'instrument of instructions', addressed to future governments.
• Option (b) - WRONG. Provincial autonomy is the ancestor of the responsible State governments, not of the Directive Principles.
• Option (c) - WRONG. The Federal List is the ancestor of the Union List in the Seventh Schedule.
• Option (d) - WRONG. Section 93 is the ancestor of Article 356 (President's Rule).

TOPIC REVISION - ORIGINS OF PART IV

• Source: the Irish Constitution of 1937, which in turn drew on the Spanish Constitution.
• The Sapru Committee (1945) suggested dividing individual rights into justiciable and non-justiciable categories; the justiciable ones became Part III and the non-justiciable ones Part IV.
• Granville Austin described Parts III and IV together as the 'conscience of the Constitution'.

THE FRAMERS' VIEW ON NON-JUSTICIABILITY

• India lacked the financial resources to implement them at once.
• The country's diversity called for flexibility in implementation.
• The framers believed public opinion and elections would ensure that governments respected them.

CRITICISMS

K.T. Shah compared them to 'a cheque on a bank, payable only when the resources of the bank permit'. Others called them pious superfluities, or warned that they could cause conflict between the President and the Prime Minister, or between the Centre and the States.

**1935 Act institutions and their successors**

| Government of India Act, 1935 | Constitution of India |
|---|---|
| Instrument of Instructions | Directive Principles (Part IV) |
| Federal Legislative List | Union List (Seventh Schedule) |
| Section 93 | Article 356 |
| Federal Court | Supreme Court |

> Directive Principles ≈ 'Instrument of Instructions' (Ambedkar). Source: Ireland. Section 93 ≈ Article 356; Federal List ≈ Union List.

**94** **With reference to the classification of the Directive Principles of State Policy, consider the following statements:**

1. Article 40 (organisation of village panchayats) is classified as a Gandhian principle.
2. Article 46 (promotion of the educational and economic interests of SCs, STs and other weaker sections) is classified as a Gandhian principle.
3. The part of Article 47 on prohibition of intoxicating drinks and drugs injurious to health is classified as a Gandhian principle.

**Which of the statements given above is/are correct?**

(a) 1 and 2 only
(b) 2 and 3 only
(c) 1 and 3 only
**(d) 1, 2 and 3 ✓**

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Both are in the Testogram app.

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**Explanation**

**The correct answer is (d) 1, 2 and 3. All three are classed as Gandhian principles, reflecting Gandhi's programme of village self-rule, upliftment of the weaker sections and prohibition.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. Article 40 reflects Gandhi's idea of 'gram swaraj'. It was given constitutional shape by the 73rd Amendment (1992), which inserted Part IX on panchayats.

• Statement 2 - CORRECT. Article 46 reflects Gandhi's concern for the 'Harijans' and other weaker sections, and their protection from social injustice and exploitation.

• Statement 3 - CORRECT. Prohibition was a long-standing Gandhian demand. (Article 47's other part - raising the level of nutrition and public health - is usually listed among the socialistic principles.)

TOPIC REVISION - THE THREE-FOLD CLASSIFICATION (not in the Constitution; a scholarly one)

• Socialistic: Articles 38, 39, 39A, 41, 42, 43, 43A and the public-health part of 47.

• Gandhian: Articles 40, 43 (cottage industries in rural areas), 43B (co-operatives), 46, 47 (prohibition) and 48 (prohibiting slaughter of cows and calves and improving their breeds).

• Liberal-intellectual: Articles 44 (uniform civil code), 45 (early childhood care), 48 (organising agriculture and animal husbandry on modern lines), 48A (environment), 49 (monuments), 50 (separation of judiciary from executive) and 51 (international peace and security).

IMPORTANT NUANCE

Some Articles combine elements: Article 47 (nutrition and public health, and prohibition) and Article 48 (scientific agriculture, and cow protection) appear in two categories. UPSC tests the specific part.

IMPLEMENTATION IN PRACTICE

Panchayati Raj (Article 40), Khadi and Village Industries Commission (Article 43), and State prohibition laws (Article 47) are examples of Gandhian principles put into practice.

**Classification of Directive Principles**

| Category | Articles |
|---|---|
| Socialistic | 38, 39, 39A, 41, 42, 43, 43A, 47 (nutrition) |
| Gandhian | 40, 43, 43B, 46, 47 (prohibition), 48 (cows) |
| Liberal-intellectual | 44, 45, 48 (agriculture), 48A, 49, 50, 51 |

Gandhian: 40, 43, 43B, 46, 47 (prohibition), 48 (cow protection). Liberal-intellectual: 44, 45, 48A, 49, 50, 51.

**95** **With reference to the relationship between Fundamental Rights and Directive Principles, consider the following statements:**

1. In State of Madras v. Champakam Dorairajan (1951), the Supreme Court held that Fundamental Rights prevail over Directive Principles in case of conflict.
2. The 25th Amendment inserted Article 31C, protecting laws giving effect to Article 39(b) and (c) from challenge under Articles 14 and 19.
3. In Kesavananda Bharati (1973), the Court struck down the part of Article 31C that excluded judicial review of whether a law gives effect to those principles.
4. In Minerva Mills (1980), the Court struck down the 42nd Amendment's extension of Article 31C to all the Directive Principles.

**How many of the statements given above are correct?**

(a) Only one

(b) Only two

(c) Only three

**(d) All four ✓**

**Explanation**

**The correct answer is (d) All four. The statements trace the movement from FR supremacy (1951) through Article 31C (1971) to the present doctrine of harmony and balance (1980).**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. The Court struck down a communal reservation order in admissions, holding that Directive Principles must conform to and run subsidiary to Fundamental Rights. Parliament responded with the 1st Amendment (1951), inserting Article 15(4).

• Statement 2 - CORRECT. Article 31C (1971) also originally covered Article 31 (property). It said that no law containing a declaration that it gives effect to these principles could be questioned in court on that ground.

• Statement 3 - CORRECT. The Court upheld the first part of Article 31C but struck down the 'declaration' clause, because excluding judicial review violates the basic structure.

• Statement 4 - CORRECT. The 42nd Amendment (1976) extended Article 31C's protection to laws giving effect to ANY Directive Principle. In Minerva Mills, the Court struck this down, holding that the Constitution rests on the balance between Parts III and IV, and giving absolute primacy to one over the other disturbs that harmony - a basic feature.

THE PRESENT POSITION

• Fundamental Rights and Directive Principles are complementary.

• Article 31C, as originally enacted (for Article 39(b) and (c)), continues to protect laws from Article 14 and 19 challenges.

• Courts interpret Fundamental Rights in the light of Directive Principles - for example, reading the right to education, health, livelihood and legal aid into Article 21.

THE GOLAKNATH LINK

Golaknath (1967) held Parliament could not amend Fundamental Rights to implement Directive Principles. The 24th and 25th Amendments (1971) were the response, and Kesavananda (1973) settled the matter with the basic structure doctrine.

**Fundamental Rights vs Directive Principles: the timeline**

| Year | Event | Outcome |
|---|---|---|
| 1951 | Champakam Dorairajan | FRs prevail over DPSPs |
| 1971 | 25th Amendment | Article 31C for Article 39(b)-(c) |
| 1973 | Kesavananda Bharati | 31C upheld; judicial-review bar struck down |
| 1980 | Minerva Mills | Extension of 31C to all DPSPs struck down |

> Champakam (1951) FRs prevail → 25th Amendment (31C for 39(b)-(c)) → Kesavananda strikes the judicial-review bar → 42nd extends 31C → Minerva strikes the extension (harmony and balance).

**If you only find out on result day, you found out too late.**

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**96** **With reference to the Directive Principles added to the Constitution by later amendments, consider the following statements:**

1. The 42nd Amendment added Article 39A on equal justice and free legal aid.
2. Article 43A on the participation of workers in the management of industries was added by the 44th Amendment.
3. The 86th Amendment changed Article 45 to provide for early childhood care and education for all children until they complete six years of age.
4. Article 48A on the protection of the environment was added by the 97th Amendment.

**How many of the statements given above are correct?**

(a) Only one

**(b) Only two ✓**

(c) Only three

(d) All four

**Explanation**

**The correct answer is (b) Only two. Statements 1 and 3 are correct. Statement 2 is wrong because Article 43A was added by the 42nd Amendment (1976). Statement 4 is wrong because Article 48A was also added by the 42nd Amendment; the 97th Amendment (2011) added Article 43B on co-operative societies.**

STATEMENT-WISE ANALYSIS

• Statement 1 - CORRECT. Article 39A directs the State to secure that the legal system promotes justice on the basis of equal opportunity, and to provide free legal aid so that no citizen is denied justice because of economic or other disabilities. The Legal Services Authorities Act, 1987 gives effect to it.
• Statement 2 - WRONG, for the reason in the verdict.
• Statement 3 - CORRECT. The 86th Amendment (2002) made elementary education a Fundamental Right for children aged 6 to 14 (Article 21A), and recast Article 45 to cover early childhood care and education up to six years. It also added the eleventh Fundamental Duty (Article 51A(k)).
• Statement 4 - WRONG, for the reason in the verdict. Article 48A directs the State to protect and improve the environment and to safeguard forests and wildlife.

TOPIC REVISION - DIRECTIVE PRINCIPLES ADDED SINCE 1950

• 42nd Amendment (1976): Article 39(f) (healthy development of children), 39A (free legal aid), 43A (workers' participation in management), 48A (environment, forests and wildlife).
• 44th Amendment (1978): Article 38(2) - minimise inequalities in income, status, facilities and opportunities.
• 86th Amendment (2002): new Article 45 (early childhood care and education).
• 97th Amendment (2011): Article 43B (promotion of co-operative societies).

WHY THESE ADDITIONS MATTER

They show that Part IV is not static: Parliament has added new directions as social priorities changed - legal aid, environment, early childhood and co-operatives. Several of these were later read into Fundamental Rights by the courts (for example, legal aid into Article 21).

**Directive Principles added by amendment**

| Amendment | Year | Article(s) added or changed |
|---|---|---|
| 42nd | 1976 | 39(f), 39A, 43A, 48A |
| 44th | 1978 | 38(2) |
| 86th | 2002 | 45 (recast) |
| 97th | 2011 | 43B |

42nd Amendment: 39(f), 39A, 43A, 48A. 44th: 38(2). 86th: new 45. 97th: 43B (co-operatives), not 48A.

**97** **In the following question, an Assertion (A) is followed by a Reason (R). Select the correct option from the codes given below.**

**Assertion (A):** A duty to pay taxes is one of the Fundamental Duties listed in Article 51A.

**Reason (R):** The Swaran Singh Committee recommended that a duty to pay taxes be included among the Fundamental Duties.

(a) Both A and R are true and R is the correct explanation of A

(b) Both A and R are true but R is NOT the correct explanation of A

(c) A is true but R is false

**(d) A is false but R is true ✓**

**Explanation**

**The correct answer is (D): A is false, but R is true. The Committee did recommend a duty to pay taxes, but Parliament did not include it in Article 51A.**

ASSERTION - FALSE

• Article 51A lists eleven duties, none of which concerns paying taxes. Taxes are collected under laws made under Article 265 ('no tax shall be levied or collected except by authority of law'), not because of a Fundamental Duty.

REASON - TRUE

• The Swaran Singh Committee recommended eight Fundamental Duties, among them the duty to pay taxes.
• The 42nd Amendment adopted ten duties - more than recommended - but left out the duty to pay taxes.

TOPIC REVISION - OTHER COMMITTEE RECOMMENDATIONS NOT ACCEPTED

• Parliament may provide penalties or punishment for non-compliance with or refusal to observe the duties.
• No law imposing such penalties shall be called in question in any court on the ground of infringement of Fundamental Rights or repugnancy to any other provision of the Constitution.

THE ELEVENTH DUTY

The only duty added after 1976 is Article 51A(k) (86th Amendment, 2002), on parents or guardians providing opportunities for education to children aged 6 to 14. It is also the only duty addressed to a particular class (parents and guardians).

HOW TO APPROACH SUCH A-R QUESTIONS

A true statement about a recommendation does not make the recommendation part of the Constitution. When A is false and R is true, the answer is (D).

**Swaran Singh Committee vs the 42nd Amendment**

| Point | Committee recommended | Adopted |
|---|---|---|
| Number of duties | 8 | 10 (11 after 2002) |
| Duty to pay taxes | Yes | No |
| Penalties for non-compliance | Yes | No |

> The duty to pay taxes was recommended (Swaran Singh) but NOT adopted. Taxes rest on Article 265, not Article 51A.

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**98** **In the following question, an Assertion (A) is followed by a Reason (R). Select the correct option from the codes given below.**

**Assertion (A):** The Fundamental Duties are non-justiciable.

**Reason (R):** The Fundamental Duties were added to the Constitution on the recommendation of the Swaran Singh Committee.

(a) Both A and R are true and R is the correct explanation of A

**(b) Both A and R are true but R is NOT the correct explanation of A ✓**

(c) A is true but R is false

(d) A is false but R is true

**Explanation**

**The correct answer is (B): both A and R are true, but R is not the correct explanation of A. The duties are non-justiciable because the Constitution provides no mechanism for their direct enforcement - not because of which committee recommended them.**

ASSERTION - TRUE

• No writ can be issued to compel a citizen to perform a Fundamental Duty, and no constitutional penalty attaches to non-performance.

• They can be enforced only to the extent Parliament makes laws for that purpose.

REASON - TRUE, BUT IT DOES NOT EXPLAIN A

• The Swaran Singh Committee (1976), appointed by the Congress during the Emergency, recommended including Fundamental Duties. The 42nd Amendment inserted Part IVA with ten duties.

• The Committee had in fact recommended penalties for non-compliance; Parliament chose not to adopt them. So the origin of the duties does not explain their non-justiciability - the drafting of Part IVA does.

TOPIC REVISION - WHY THE DUTIES WERE ADDED

• To remind citizens that, while enjoying rights, they must also be conscious of their duties towards the country, society and fellow citizens.

• To act as a warning against anti-national and anti-social activities.

• To promote a sense of discipline and commitment.

THE CONTROVERSY

Because they were added during the Emergency, critics saw them as an attempt to emphasise duties when rights were curtailed. The Janata government's 44th Amendment (1978) did not remove them, which reflects broad acceptance.

HOW TO APPROACH SUCH A-R QUESTIONS

Ask whether R gives the CAUSE of A. A historical origin rarely explains a legal characteristic such as justiciability.

> Non-justiciable because Part IVA gives no enforcement mechanism; the Swaran Singh origin is true but unrelated. The 44th Amendment kept Part IVA.

**99** **Which one of the following is a Fundamental Duty under Article 51A of the Constitution of India?**

(a) To vote in every general election to the House of the People

(b) To pay all taxes lawfully due to the Union and the States

**(c) To safeguard public property and to abjure violence ✓**

(d) To limit family size in the interests of the nation

**Stamina is a skill. Marathon is where you build it before the exam asks for it.**

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**Explanation**

**The correct answer is (c). Article 51A(i) makes it the duty of every citizen to safeguard public property and to abjure violence.**

OPTION-WISE ANALYSIS

• Option (a) - WRONG. There is no duty to vote. The right to vote is a statutory and constitutional right (Article 326 and the Representation of the People Act), and voting is not compulsory.

• Option (b) - WRONG. The Swaran Singh Committee recommended a duty to pay taxes, but it was not included in Article 51A.

• Option (c) - CORRECT, for the reason in the verdict. The Prevention of Damage to Public Property Act, 1984 is one of the laws that give effect to this duty, and courts have relied on it in cases on damage caused during protests and agitations.

• Option (d) - WRONG. Family planning is not among the Fundamental Duties. (Population control and family planning appear in the Concurrent List as an entry, added by the 42nd Amendment.)

TOPIC REVISION - HISTORY OF PART IVA

• The Swaran Singh Committee, set up in 1976 during the internal Emergency, recommended eight duties.

• The 42nd Amendment (1976) inserted Part IVA with ten duties.

• The 86th Amendment (2002) added the eleventh duty (Article 51A(k)).

• The Fundamental Duties came into effect on 3 January 1977; they were the first such list in the Constitution.

LINK BETWEEN DUTIES AND RIGHTS

• Article 51A(i) (abjure violence) sits alongside the right to assemble 'peaceably and without arms' (Article 19(1)(b)).

• Article 51A(e) (dignity of women) complements Article 15(3) and laws against discrimination.

• Article 51A(k) (education) complements Article 21A.

WHY IT MATTERS

UPSC often lists plausible civic obligations that are NOT in Article 51A. Knowing the exact list is the only safeguard.

> Not Fundamental Duties: voting, paying taxes, family planning. 51A(i) = safeguard public property and abjure violence.

**100** **Which one of the following correctly distinguishes the Fundamental Duties from the Directive Principles of State Policy?**

**(a) Both are non-justiciable, but the Duties are addressed to citizens while the Directives are addressed to the State** ✓

(b) The Duties are justiciable and enforceable by writ, while the Directive Principles are not enforceable by any court

(c) Both were added by the 42nd Amendment Act, 1976, and both are therefore contained in the same Part of the Constitution

(d) The Duties form part of Part IV, while the Directive Principles form a separate Part IVA inserted later by amendment

**Explanation**

**The correct answer is (a). Neither the Fundamental Duties nor the Directive Principles can be enforced by courts as such. The difference lies in whom they address: Part IV directs the State, Part IVA directs the citizens.**

OPTION-WISE ANALYSIS

• Option (a) - CORRECT, for the reason in the verdict.

• Option (b) - WRONG. Fundamental Duties are also non-justiciable; no writ lies for their enforcement. They can be enforced only through laws made by Parliament.

• Option (c) - WRONG. The Directive Principles were part of the original Constitution (1950), in Part IV. Only the Fundamental Duties (Part IVA) were added by the 42nd Amendment, though that Amendment also added some new Directive Principles (Articles 39(f), 39A, 43A, 48A).

• Option (d) - WRONG. It is the reverse: Directive Principles are in Part IV (Articles 36-51); Fundamental Duties are in Part IVA (Article 51A).

TOPIC REVISION - THREE PARTS COMPARED

• Part III (Fundamental Rights): justiciable; mostly limits on the State; available to citizens, or to all persons.

• Part IV (Directive Principles): non-justiciable; positive obligations on the State; fundamental in governance.

• Part IVA (Fundamental Duties): non-justiciable; obligations of citizens.

WHERE THEY MEET

• Environment: Article 48A (State) and Article 51A(g) (citizen).

• Education: Article 45 (State, early childhood), Article 21A (right of the child) and Article 51A(k) (parents).

• Culture: Article 49 (State protection of monuments) and Article 51A(f) (citizen's duty to preserve composite culture).

THE COMMON FUNCTION

Both Part IV and Part IVA influence how courts judge the reasonableness of laws, even though neither can be enforced on its own.

**Fundamental Rights, Directive Principles and Fundamental Duties**

| Feature | Part III | Part IV | Part IVA |
|---|---|---|---|
| Justiciable? | Yes | No | No |
| Addressed to | State (mostly) | State | Citizens |
| In original Constitution? | Yes | Yes | No (1976) |

> Part IV (DPSP, to the State, original 1950) vs Part IVA (Duties, to citizens, 1976). Both non-justiciable.

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FOUNDER'S NOTE

# Why I built Testogram

Why I Built Testogram

I appeared for the UPSC Civil Services Examination four times and reached the interview stage on three occasions. Although my journey through the examination did not end with a final selection, it gave me firsthand experience of the challenges, uncertainty and determination that define the UPSC journey.

I went on to build a career in the technology industry, working with some of the world's leading multinational companies and progressing into AI Solution Architecture.

Alongside my professional career, I spent over a decade teaching UPSC aspirants. During those years, I noticed a recurring problem. It wasn't a lack of hard work or ambition. Even capable, dedicated students often struggled to understand whether their preparation was actually improving.

They would study consistently, attempt tests and put in months of effort, yet have little clarity about where they stood, what they needed to improve or whether they were moving closer to their goal.

I had experienced that uncertainty as an aspirant. I witnessed it repeatedly as an educator. And I realised that students needed more than another question bank or test series. They needed a reliable way to measure their preparation, understand their performance and make better decisions about what to do next.

That conviction led me to build Testogram.

Testogram won't make competitive examinations easier. It is designed to make your preparation more measurable, structured and informed.

It helps you understand where you stand, identify what is holding you back, track your improvement and know what deserves your attention next. Because preparation shouldn't be based on guesswork. You deserve to know whether you're making progress.

Learn More. Win More.

**Sai Vinay Sunkara**
Founder, Testogram
You can reach me on LinkedIn:
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# The real fear isn't failing once. It's losing years and not knowing why.

Most preparation tells you where you stand once a year, on result day. By then the year is already spent. Testogram is built so that you find out every day.

TESTOGRAM

## Practice.

Short daily practice on every chapter of your syllabus. You see what you have actually learned, the same day you studied it.

TESTOGRAM

## Marathon.

Long sittings that build the stamina and speed the real paper demands. You find out how you hold up before it matters.

TESTOGRAM

## Test series.

**Full papers on a fixed schedule, with your rank and percentile among everyone who sat them.**

## You have seen the questions. You have not yet seen where you stand.

A booklet tells you what was right. Only sitting the test, with everyone else, tells you:

- where you rank, and in what percentile;
- which subject is holding you back;
- how far you are from the band above;
- whether you are moving up or standing still from one test to the next.

## Don’t prepare in the dark. Know where you stand among those competing for your place.

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