

Daily Subject wise Quiz Day 14 Polity II (Online Prelims Test)

Consider the following statements with respect to the features of Indian Constitution

1. The cabinet form of governance was borrowed from UK, however the cabinet is not all-supreme as in the case of UK.
2. The provisions of Independence of judiciary and Fundamental Rights were derived from Irish constitution.

Which of the above statements is/are incorrect?

- a. 1 only
- b. 2 only
- c. Both 1 and 2
- d. Neither 1 nor 2

Answer : b

Borrowed features of Indian Constitution

- It has borrowed most of its provisions from the constitution of various other countries as well as from the Government of India act, 1935.
- Structural part of the constitution was derived from GoI Act, 1935.
- Independence of judiciary and Fundamental Rights were derived from USA.
- Though we borrowed cabinet form of governance from UK, the cabinet is not all-supreme as in the case of UK.
- The concept of Single Citizenship was also borrowed from British system.
- Nomination of Members to Rajya Sabha was derived from the Irish system and the residuary powers were derived from the Canadian system.

Which of the following statement(s) is/ are correct about Preamble?

1. It secures justice, liberty, equality to all the citizens of India and promotes fraternity among the people.
2. Integrity, secular and sovereign concepts were added to the Preamble through the 42nd amendment act, 1976.

Select the correct answer using the codes given below

- a. 1 only
- b. 2 only
- c. Both 1 and 2
- d. Neither 1 nor 2

Answer : c

Preamble

- The Preamble consists of the ideals, objectives and basic principles of the Constitution.
- The salient features of the Constitution have developed directly and indirectly from these objectives which flow from the Preamble
- It asserts India to be a Sovereign Socialist Secular Democratic Republic and a welfare state committed to secure justice, liberty and equality for the people and for promoting fraternity, dignity the individual, and unity and integrity of the nation.
- The Preamble is the nature of Indian state and the objectives it is committed to secure for the people.
- Integrity, secular and social concepts were added to the Preamble through the 42nd amendment act, 1976

Which of the following statement(s) is/are correct about Basic Structure doctrine

1. The basic features of the Constitution have been openly defined by the Supreme court and all features are accepted by legislature.
2. Indira Gandhi v. Raj Narayan case and Minerva Mills case are related with basic structure of the constitution

Select the correct answer using the codes given below

- a. 1 only
- b. 2 only
- c. Both 1 and 2
- d. Neither 1 nor 2

Answer : b

Basic Structure doctrine

- The basic structure doctrine is an Indian judicial norm that the Constitution of India has certain basic features that cannot be changed or destroyed through amendments by the parliament.
- The basic features of the Constitution have not been openly defined by the Judiciary.
- At least, 20 features have been described as “basic” or “essential” by the Courts in numerous cases, and have been incorporated in the basic structure.
- Following cases are associated with the evolution of the Basic Structure Concept of the constitution

1. Shankari Prasad Case (1951)
2. Sajjan Singh case (1965)
3. Golaknath case (1967)
4. Kesavananda Bharati case (1973)
5. Indira Nehru Gandhi v. Raj Narain case (1975)
6. Minerva Mills case (1980)
7. Waman Rao Case (1981)
8. Indra Sawhney and Union of India (1992)
9. S.R. Bommai case (1994)

Consider the following statements with respect to Concept of Secularism

1. In India everybody is equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.
2. The Constitution regards religion as a private affair of individuals and prohibits the State from interfering with it.

Which of the above statement(s) is/are correct?

- a. 1 only
- b. 2 only
- c. Both 1 and 2
- d. Neither 1 nor 2

Answer : c

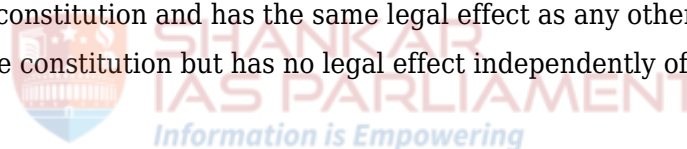
Secularism

- In no other country of the world so many religions co-exist as in India. In view of such diversity the Constitution guarantees complete freedom of religion to all.
- The citizens of our country are free to follow any religion and they enjoy equal rights without any distinction of caste, creed, religion or sex.
- The State does not discriminate against anyone on the ground of his religion, nor can the State compel anybody to pay taxes for the support of any particular religion.
- Everybody is equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.
- The Constitution regards religion as a private affair of individuals and prohibits the State from interfering with it.
- The Constitution also grants various cultural rights to minorities.

Which of the following statement is correct with respect to the Preamble

- a. It is a part of the constitution but has no legal effect
- b. It is not a part of the constitution and has no legal effect either
- c. It is part of the constitution and has the same legal effect as any other part
- d. It is a part of the constitution but has no legal effect independently of other parts

Answer : d



Preamble

- In the cases the Berubari Union case (1963) and the Kesavnanda Bharati Case (1973), the Supreme Court of India quoted the following observations of Willoughby about the Preamble to the American Constitution:-
- It has never been regarded as the source of any substantive power conferred on the Government of the United States, or on any of its departments. Such power embrace only those expressly granted in the body of the Constitution and such as may be implied from those so granted.
- What is true about the powers is equally true about the prohibitions and limitations.

Hence Preamble to the constitution of India is part of the Constitution but has no legal effect independently of other parts