

NOTES

ON

CONSTITUTIONAL LAW OF INDIA

BY

MAJ(DR.)

ANIL BALHERA

ASST.

PROFESSOR

FUNDAMENTAL RIGHTS

Art 15 ----- a particular application of Art 14

-----A law prohibited by Art 15 cannot be validated by recourse to Art 14 by R.C (reasonable classification).

⇒ Some R.C are restricted by virtue of [ART 15, Art 16, Art 17&Art 18] and rest are to be checked by judiciary [J.R]

ART 15 (1) : - RRCSB

1. Discrimination on the ground of residence does not violate Art 15 (1)
2. Requirement of a test in the regional language for state employment does not violate

Art 15(1).

ART 15 (2) :-

1. It prohibits discrimination by state & private individual from making any discrimination
2. To eradicate the abuse Hindu social system.

ART 15 (3) :-

1. Special provision for women and children

E.g. BPSMV, KK, Girls College /

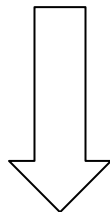
Women University seat reserved

for girls in educational institution .

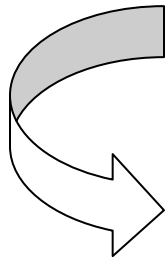
Maternity leave.

Cases: - State of Madras v. Champakam Dorairajan

In that case the Madras government had reserved seats in State medical and engineering colleges for different communities in certain proportions on the basis of religion, race and caste.



1st constitutional amendment - Art
15(4) inserted.



JAGNATH KAUR V. STATE OF BOMBAY

Requisition of land for Harijan colony

IMPORTANT INTERPRETATION DONE BY S.C. :-

1) Sub- classification of B.C. into more B.C. :

-Not allowed -----in----- Balaji v. State of

Mysore's case -Allowed -----in-----

Mandal commission's case

2.) Limit of 50% :-

- Reserved seat can't be more than 50%

(It should be less than 50% ----- In Balajii's case)



Modal case upheld Balaji's case decision

overruled

THOMAS CASE:

Mandal case: Art 16 (4) upheld adequate representation and not proportionate representation.

Upheld **“CARRY FORWARD RULE”**

MANDAL CASE: if a member of SC/ST is selected in the open competition on the basis of merit they will not be connected against the reserved quota .

3.) Whether it was permissible to give preferential treatment to SC & ST under Art 16 (1)

[i.e outside the exception under Art 16(4)]?



NO:

In Balaji case

YES:

In State of Kerala v. N.M. Thomas

(1976) S.C.

[3:4] C.J. Rey

4.) Backward class in Art.16 can be identified on the basis of caste & not only on economic basis Mandal case:-

A caste can be a social form in India. Though cast alone cannot be taken into consideration for purpose of identification

of BC [occupation, GPS, classes, section of people are other important criteria

Non- Hindu, Muslim, Christian etc OF are backward socially, they are entitle to reservation.

Balaji case:-

B.C not defined in constitution, hence govt. decision is justifiable. A class is division of society as per status or caste.

In India caste play an important role in deciding status.

However, caste is not the sole criterion

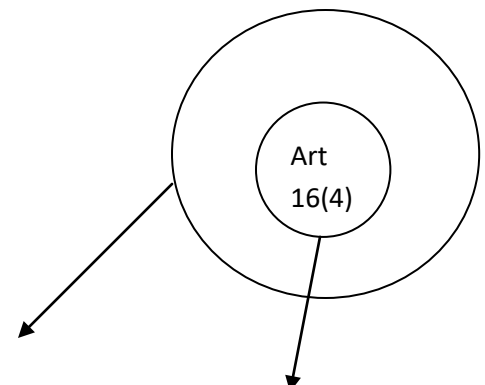
Muslim, Christian, Jews, do not recognize caste [how one decide social backwardness in them.

5.) Art 16 (4) is not an exception of Art 16(1), But interdependent clause . Reservation can bemade under Art 16 (1) on the basis of R.C.

ART 16(!)

YES

NO



THOMAS CASE (1976)

BALAJI's CASE (1963)

MANDAL's CASE (1993)

[RESERVED FOR WOMEN

AND SPORTSMEN]

[Only backward]

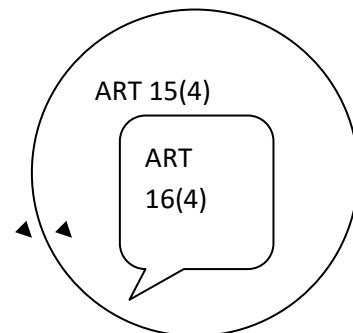
6.) BC in Art 16(4) are not similar to as socially & educationally

Backward (SEB) in Art 15(4) :-

ART 15(4) >

ART 16(4)

Mandal case overruled Balaji case on this point



7.) CREAMY LAYER [SOCIALY ADVANCED PERSON] CAN BE AND MUST BE EXCLUDED FROM BC :-

MANDAL CASE

BALAJI CASE

An economic area to decide To
avoid vested interest, there should

Creamy layer/ means of social advancement be

periodic review of backwardness e.g IAS [no further inquiry

SC/ST why?] but NCBC didn't do its job.

8.) A B.C of citizens can't be identified only and exclusively with
response to economic criteria:-

MANDAL CASE

BALAJI CASE

1. Art 16(4) is not allowed at

1. Poverty can't alone be basis

Economic upliftment alienation

of classification as poverty is Of poverty.

Found in all the parts of India.

2. Mainly social & therefore educational &

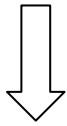
economic backwardness has to be taken into

Account.

9.) No reservation in promotion:-

A.B.S.K. Sangh Rly. V. UOI AIR 1981 SC

IN MANDAL CASE



[Reservation in promotion ----- valid]

POSITION AFTER MANDAL CASE:-

1995
AMENDMENT

→ 77TH CONSTITUTIONAL

[+ bypass the Mandal case for
reservation in promotion]

UNION OF INDIA V. VIRPAL SINGH

“the seniority between the reserved category candidates and
general candidates in the promoted category shall continue to
be held valid .()

2000 → 81st constitutional amendment-----Art 16
(4B)

→ **CARRY FORWARD FORMULA**

2000 82nd constitutional amendment -----
- consequential seniority

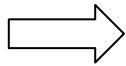
**Reservation in a single post for OBC
not permissible**

PGIMR V. FACULTY ASSOCIATION (1985)

JUSTICE RAY NANDAN COMMITTEE:-

Report on **“CREAMY LAYER”**

2006



93RD Constitutional Amendment:-

[OBC Reservation in higher education

Institution]

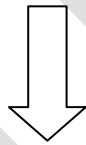
Held valid in ASHOK KUMAR

THAPUR V. UOI AIR 2008 SC

INTERCASTE MARRIAGE & RESERVATION

BENEFITS:- 😊 RAJENDRA SHRIVASTAVA V.

STATE OF MAHARASTRA



b

😊 ()

a) Whether a woman marrying a SC/ST/OBC male become entitle to claim reservation?

NO

b) The status of child born to SC/ ST mother from a forward caste father?



Presumption may be stronger in case of inter caste
marriage & tribal & non-tribal.



ANIL BALHERA

RIGHT TO FREEDOM (ART 19-22)

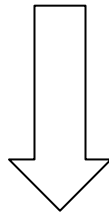
TYPE OF FREE-DOM	Sove-reignty &inte-grity of india	Secur-ity of state	Reaso-nable friendly relation with foreign states	Rest-riktion on public order	Dec-encing	Mo-rality	In relation to contempt of court	Defa-mation	Incit-ement To an Off-ence	Inc-i-temment Of gen-eral public	Prote-Ction of Interest Of SC & ST
1.)Freedom of speech and expression	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2.) Assemble peacefully &without arms	YES			YES							
3.)Form association and union	YES			YES		YES					
4.Move freely throughout the territory of India	}									YES	YES
5.)Reside and settle in any part of the territory of India											
6.) to practice any profession or to carry on any occupation trade or business.										YES	

FREEDOM OF PRESS

{ Bennett Coleman and
Import policy for news
print 1972-73.

co. V. U.O.I. [AIR 1973 SC]

The
print
order



news
control
1962

Imposed various restriction

- 1) Rigid limitations to 10 pages.
- 2) Bar on starting newspaper or addition by common ownership unit.
- 3) Bar on interchangeability within common ownership unit.
- 4) Allowance of 20% pages increase only to newspaper below 10 pages.

DECISION

- 1) R.C. on good [less than 10 pages more than 20 pages is not valid]

- 2) Big newspaper is prevented from determining pages circulation and news addition [to give level playing field to small unit] is not tenable due to economic scenario.
- 3) Approves “**effect test**”. The direct effect in present case was the newspaper control as restriction placed on growth and circulation.

Both quantitative and qualitative

Freedom lies in circulation and in content.

Fixation of page limit ----- void.

Reasonable taxation on[daily newspaper ,periodicals]----
-----valid.

Express newspaper V. union of India 1958.

Fixing minimum price and no. of pages-----void.

Demolition notice of the express newspaper building by
Delhi LG is void.

Express newspaper pvt. Ltd. V. Union of
India 1986 SC

Pre-censorship invalid:-

Brij Bhushan V. State of Delhi AIR 1950.

[org. Eng. Weekly Delhi]order to submit for scrutiny of copies
before publishing.

Prabhu Dutt V. Union of India AIR 1982 SC

H.T Newspaper to interview Ranga &Billa, two death sentence
convicts

RT to press and interview inmates is subject to reasonable restriction [Jail manual + willingness of the accused].

RIGHT TO VOTE: voters have RT to know about their candidates .

UNION OF INDIA V. ASSOCIATION FOR DEMOCRATIC REFORM [AIR 2000]SC

[M.B, SHA H J. , P.V. REDDY J., D.M. DHARAMADHIKARI]

{ Electoral law (representation of people act)

{ Law commission 170th Report

Freedom of S&E include the freedom to circulate one view by mouth/ writing/video/audio:-

LIC V. Manu Bhai D. shah 1992 SC



New dimension to freedom of speech & expression



Govt. has no monopoly on electronic media:-

**Secretary, Ministry of I&B V. Cricket Association of Bengal
AIR 1995 SC**

Govt. to set up an independent autonomous broadcasting authority [to ensure freedom of S&E and free doordarshan & Akashvani from the shackles of Govt. control.

CAB ----- DG DDG



6nation international cricket

To telecast all matches of

Tournament & foreign T.V. rights would remain with

CAB & ready to pay the requisite royalty amount to DD.

Agreement with TWI [Trans world international] for telecasting all the matches out of india & asked the DD to make its available its T.V signal for telecasting the matches.

DD----- REFUSAL PERMISSION

CAB----- CALCUTTA HC

GOI----- S.C.

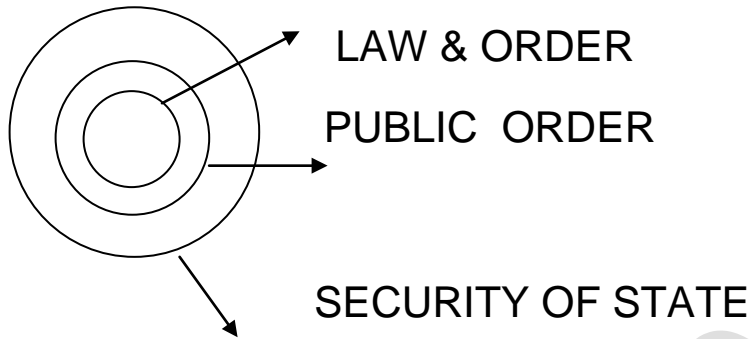
S.C.:- Suggested to amend "the India telegraph Act(monopoly clause)

Freedom of S&E includes RT to telecast and Broadcast the matches & this RT belongs to organizers which can't be interfered with anyone.

The organizer is free to change any agency as it thinks appropriate for this purpose.

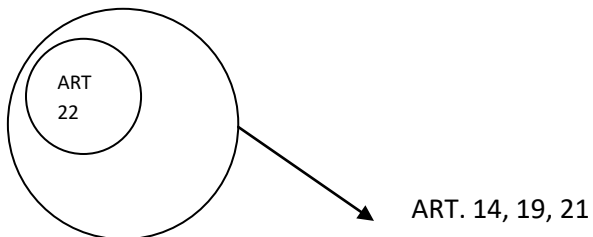
LAW AND ORDER / PUBLIC ORDER / SECURITY OF STATE:-

LAW & ORDER

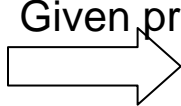


ANIL BALHERA

ART 22 : SAFEGUARD AGAINST ARBITRARY ARREST & DETENTION :



ART. 21 is supplemented by ART. 22

ART.22  Given protection against act of executive / non judicial authorities.

Art 22 (1)& (2) guarantees four rights :-

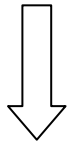
- a) RT to be informed (of grounds of arrest).
- b) RT to consult & to be represented by a lawyer (of her choice).
- c) Production of accused before a magistrate within 24 hours
- d) No detention beyond 24 hr except by order of magistrate.

EXCEPTION TO ART 22 (1) &(2) :-

- 1) Enemy alien
- 2) Arrested /detained under preventive law.

BALANCE [b/w “ need of police v. citizen human right]

JOGINDER KUMAR V. STATE OF U.P.



Guidelines given in effecting to arrest [Reference sec. 41 A, 41 B, 41 C, 41 D of Cr.PC inserted in 2009.]

D.K Basu, Ashok k. Johri V. State of W.B. , State of U.P

Legal aid service ----- A letter to CJI

OBSERVATION:-

- 1) Custodial violence [including torture & death in the locks ups] , strikes a blow at the Rule of law.
- 2) It is committed under the shield of uniform & authority in the four walls of a police station or locks ups, the victim being totally helpless.
- 3) Whether monetary compensation should be awarded for established infringement of F.R. by Art 21 & 22
- 4) "Custodial torture" hard violation of human dignity & degradation with destroys, to a very large extent, the individual personality.
- 5) ART 5 of UDHR (1984) prohibits it.
- 6) The power of arrest, investigation & detention has now been streamlined in England [on the basis of suggestion made by the Royal commission & incorporated in police & Criminal Evidence Act & the incidence of custodial violence has been minimised there to a very great extent .

Rt of accused -----Art 21, 22, Art 20(3) (2) (1)

Procedure & safeguard:----- ch v, Cr pc 1973

---- sec. 53

sec. 41

-----sec. 54
manner of arrest]

sec. 46 [method and

----- sec. 176
power]

sec. 49 [no excess

accused]

Sec. 50 [of arrest to

art 22(2)]

Appreciated the 113th report [LCI] recommendation of insertion of sec. 114 B in I.E. Act [thje court may pressure the inquiry was caused by the police officer having the custody of the person during that period .]

(But not accepted by the court)

Train police in human rights /values

Presence of counter of the arrestee at some point of time during interrogation . Solves populist supreme law [safety of the state in the supreme law.]

Issued direction in all cases of arrest & detention:-

- 1) Name tags
- 2) Particular of IO in register.
- 3) Memo of arrest & counter signed by arrestee
- 4) Police notify detail of arrest to relative / friend of arrestee.
- 5) The imprecation memo
- 6) Medical exam every 48 hours his detent in custody 7)All concerned document to llaqa magistrate 8)Police control room.

Preventive Detention laws :- ART 22(4) TO 22(7)

PREVENTIVE DETENTION : [Detention of

a person without trial] e.g MISA 972

--- Prevention of Black-marketing & maintenance of supplies of essential commodities Act

National security act , COFEPOSA, TADA etc.

Constitutional safeguard against PREVENTIVE DETENTION laws:-

- 1)Review by advisory board
- 2)Composition & procedure of advisory board
- 2)Ground of detention &Representation

A.Review of advisory board :-

Prior to 44th C.A After 44th C.A

Maximum detention ---3 months

Maximum detention -----2 months

P.D. when opined by an advisory board

Advisory body was made an

Independent body [free from executive control]

The amendment has abolished the

Provision for preventive detention

Without reference to an advisory

Board as provided as prescribed
in CI (7)(a).

[detention beyond 3 months is illegal]

B. Composition & procedure of Advisory board:-

Prior to 44 th C.A	After
44 th C.A	
A.B.= Executive control	A.B.
= chairman +>2member	

Securing HC judges

On the recommendation of CJ(HC)

(C) Grounds of detention & representation Art 22(5):-

A.K. Roy V. UOI 1982 S C

(a) Whether an ordinance in a law within Art 21

YES , it has a temporary character & had a limited duration.

(b) Vagueness of the provision of national security act:-

Act neither vague nor arbitrary

{ "Defense of India" } not capable of a precise definition

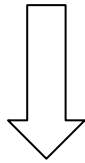
Security of India

[left to executive wisdom

Relation with foreign power

c) Fairness and reasonableness of procedure before advisory board:-

Hardhan saha V. state of W.B AIR 1974 SC



Preventive detention law does not violate Art 14, 19, 21.

The court does not completely ignore the mandate of the legislature. [MISA held valid]. In present case: - A

detenue has rights :- a) RT to legal representation

b) RT to cross – examination [court said the detenue has no RT of cross examination.

c) RT to present his evidence in rebuttal.

Court said it is fair and reasonable law

d) Unreasonableness & harshness of condition of detention :-

--- after detention, info. to his family/friend in writing / place of detention.

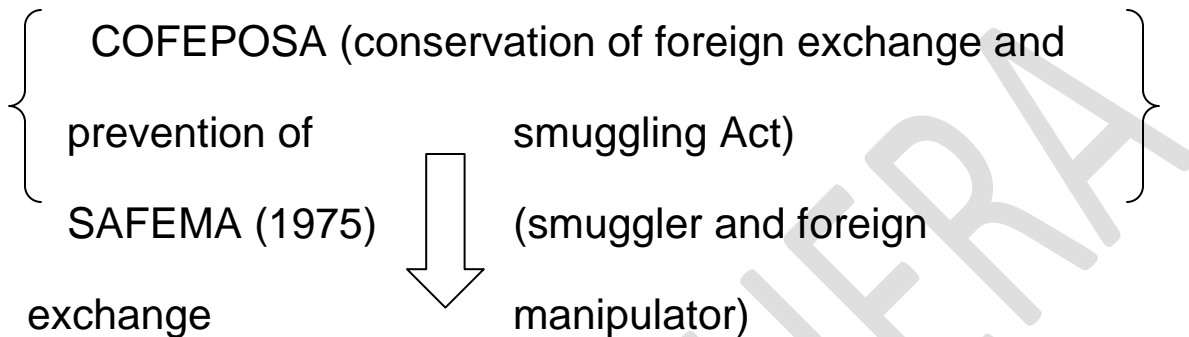
----Detenue is entitled to books/writing material/food/ visits from friend/relatives

---- kept separate from convicted

----no treatment of a punitive character.

ATTORNEY GENERAL V. AMRIT LAL PRAJIVANDAS (1994) SC54

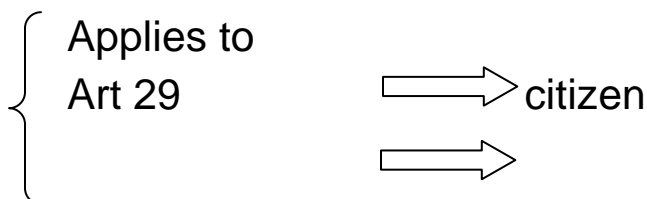
[9 judges]



CONSTITUTIONALLY VALID

- a) SC held that S – 12 of COFEPOSA [which has done away with requirement of supply of grounds of detention & consultation with advisory board during emergency.]
- b) Detenue has no locus standai to question the reason / grounds of his detention during period of emergency. [the President is empowered to suspend fundamental rights of detenue also

CULTURAL & EDUCATIONAL RIHTS (ART 29- 30)



Art 30

citizen & non-citizen

DISTINCTION B/W ART 29(2) & ART 15(1)

MEI [minority educational institution] Sec. 2(g) NCMEI Act 2004

Even a single member of minority community may established an institution

State of Kerala V. Mother provincial AIR 1970 SC

T.M.A. Pai Foundation V. State of Karnataka (2000) SCC

- ☺ A minority (linguistic or religious) is determinable only by reference to demography of the state [not by taking into consideration the population of the country as a whole]

Statemajority religion

Punjab

Sikhism

J&K

Islam

Nagaland

Christianity

- ☺ MINORITY EDUCATIONAL EDUCATION :

Sec. 2(g) NCMEI Act 2004

“minority educational institution means college or institution (other than a university) established or

maintained by a person or a group of people from amongst the minorities”

The word “or” ----- normally disjunctive

The word “and”-----normally conjunctive

But can be read vice versa to give liberal interpretation

✦ P.A. IMANDAR V. STATE OF MAHARASTRA 2005 SC

a) whether a MEI though established by a minority can cater to the needs of that minority only ?

- 1) Mere receipt of state aid does not annihilate the rights guaranteed under Art 30(1)
- 2) MEI would be required to admit a reasonable extent of non – minority students [read Art. 29 (2) with Art 30 (1). The state Govt. has to notify % of the inority students to be admitted in the light of the above observation.

b)Can there be an inquiry to identify the person or persons who have really established the institution ?

1) YES by the documents like[the trust deed / Article of Association etc.

c) Can a MEI provide cram border or inter -state educational facilities & yet retain the character of MEI?

1) YES but to limited % fair cram border interstate but premesly to cater the need of minority from concerned state.

✧ Minority education institution status can be cancelled or withdrawn by the commission U/S – 12 C after giving due notice to MEI & proper inquiry [where free character of institution is lost] , MEI has failed to admit students belonging to the minority community in the institution as per rules & prescribed % governing admission during any academic year.

AFILIATION & RECOGNITION:-

S-10 (A) :- refusal to grant recognition or affirmation by the statutory authorities without just & sufficient grounds amounts to violation of the rights under Art 30 (1).

[St. Xaviers college V. state of Gujarat AIR 1970 SC

ART 30(1) is sufficient to regulating power of the state [for maintaining & facilitating the excellence of the

standard of education] To ensure ment.

To ensure excellence of education

To prevent mal administration

Quality of teachers [by prescribing the minimum qualification]

Course of studies & co curricula

Sufficient infrastructure for growth

The essential ingredients of management :-

But no interference in the day to day administration

Admission of students

Recruiting of staff

Quantity of fees

CONCLUSION:-

Kerala education bill case

T.M.A. Pai's case 2002 [11 judges bench]

P.A. Inamdar V. state of Maharashtra 2005

[classificatory judgement case regarding

T.M.A. Foundation case.

The general principle relating to establishment & administration of educational institution by minorities may be summarized.

- 1) Art 30(1) in subject to regulating power of the state [for maintaining & facilitative the excellence of educational standard. The essential ingredients of the management [admission of students, recruitment of staff & quantum of fees] can't be regulated.
- 2) Regulation [administration of educational institution & grant in aid] apply to MEI.

3) The general laws of the land relating to :-

{ National interest National security Social welfare apply to MEI	} applicable to all, will the equally
---	---------------------------------------

Public order
 Morality
 Health &
 sanitation
 taxation

- 4) Receipt of aid from does not after the character of MEI. But the state can lay down reasonable condition for obtaining grant in aid & for its proper utilisation.
- 5) The state can regulate the service condition of the employees of MEI (to ensure quality of education. The

state can introduce a mechanism for redressal of the grievances of the employees.

- 6) The RT of minorities to E&A education
- a) To choose its governing body [in whom the founder of the institution have faith & confidence to conduct & manage the affair of the institution

The management can induct eminent or competent person from other communities

[sprinkling of non-minority members & it does not shed its character

The govt. has no ray in governing body of MEI [like any nominee etc.]

- b) To appoint teaching staff (teachers & lecturers /HODs / Principles) & non teaching staff & to take action if there is clarification of duty on the part of any of its employees.

☺ the state govt. or a university can't regulate the method procedure for appointment of teachers / lecturers etc. of MEI.

☺ MEI will adopt any rational procedure of selection

☺ Composition of the selection committee for appointment of teaching staff of MEI should not be reduced up to extent that helps to MEI helpless entity.

☺ The state govt. / university is not empowered to require a MEI to seek its approval in the matter of selection / appointment & initiation of disciplinary action against any employees.

C) To admit the eligible students of their choice & to set up a reasonable fee structure

Maximum student from minority

Less students from non minority is optional.

NRI Quota ----- 15%

Only to NRI
students

Only on merit

Fee charged
from NRI.

Should be utilized for EW section students

The state may frame regulation regulating NRI quota.

T.M.A. PAI FOUNDATION CASE :-

There is nothing wrong in an entrance test being held for one group of institution situated in one state or in more than one state may join together & hold a common entrance test or the state may itself or through any agency arrange for holding of such test (CET Common Entrance Test) may be taken to avoid

Harassment &

To ensure transparency

Clashes of dates of different test for admission.

☆ If any institution MEI fails in transparency then state may institute its own procedure. D) To use its properties & assets for the benefit of the institution.

MODE OF INSTRUCTION :-

The state can take a policy decision to compulsory teach its regional language

In large interest of the state

It may not violative of Art 30(1).

FEE REGULATIO:-

No capitation fees.

No profetuary

Legal provision made by the state legislature or scheme evolved by the state legislature or the scheme evolved by the court for monitoring admission procedure & fee fixation do not violate Art. 30(1) & 19(1)(g).

POLICY OF RESERVATION ON ADMISSION :-

NOT

The central educational institution (Reservation in admission)
Act 2006

Applicability of RT to Education Act in MEI : -

NOT APPLICABLE

Pramatn Educational & cultural trust V. UOI 2012

RIGHT TO FREEDOM OF RELEGION :-

ESSENTIAL:-

ART 25(a) Non- Essential practices

- (a) Tandava dance at public place[Acharya Jagdishwaranand Avadhuta V. Commissioner of Police Calcutta (AIR 1984 SC)]
- (b) RT to worship and any or every place of worship.
- (c) Illegally importing the gold at the form of kara.
- (d) Muslim are not immune from Law [which distinguishes a person from being Sarpanch of having more than two children [fazru V. State of Haryana]
- (e) Sacrifice of cow on the bakrid day was not an essential part of Mohammedan religion .Hence , state can prohibit it by law

Anti-religious -----X

Based on total neutrality -----X

Equal respect for all religion-----

Neither anti-god nor pro-god

FRANCE:- After a prolonged bloodshed France invented secularism.[it aimed at keeping the state & church apart].

HINDUS:- Among Hindus there is no church Hence the state is always secular

ISLAMIC STATES :- In Islam the state & religion are united. Hence barring a few all Muslim states are proclaimed Islamic states.

Art 25 & 26 :- are equally applicable to majority & minority.

They do not
Hindus] PMH } intend to deny to the majority[the
Morality } Public order

Health

“FREEDOM OF CONSCIENCE” :- A prominent RT to entertain beliefs & Doctrine concerning matters which are regarded by him to be conducive to his spiritual well being.

“TO PROGRESS”:- To declare freely and openly one’s faith. He has Rt to practice religion is to perform the prescribed religious duties, rites & rituals.

“TO PROPOGATE” :- To spread & publicize his religious views for edification of others . It does not give a RT to convert another person to one’s own religion.

Restriction on freedom of religion :-

a) No trafficking in human being :- e.g. system of DEVDAASI (servant of God) cannot be tolerated.

ART: 28

Religion instruction :- a) E. Is wholly maintained out of state funds [X -----NO]

[With consent of Individual] b) Established by any Endowment or Trust but managed by the state.

Individual]

[YES]

ART: 27

No person be compelled for taxes (for the promotion of any particular religion)-----but voluntary may be.

ART: 26 FREEDOM TO
RELIGIOUS AFFAIRS :-

{ (Established & maintain) +
(managing own affairs)

MANAGE

+ (Own acquire movable
& immovable property)

+ (Administer as per law)

Subject to -----Public order, morality,
Health

ART 25 FREEDOM OF CONSCIENCE & FREE P3-----
Profession

Art 25 -----RT to religion
Practice

Art 25(2) ----state power to regulate by law.
Propagation

☀ Takeover of temple : [in J&K Mata vaishno Devi Act, 1988]

State power to regulate-----1) appointment of priest

☀ 2) Emoluments

☀ 3) Abolishing of share in offerings of deity

☀ 4) office of priest

☀ Salary to archaka (priest in A.P)

Can't be reduced -----income of endowment

State cannot fund the salary (Art27)

Offerings to the Deity are not state's property under Art 300A

Collection of money given in offering relate to management of
temple

Small (% of offering may be given to :)

The freedom of S&E also include the “freedom of silence”

Bijoe Emmanuel V. State of Kerala 1986 SC [National Anthem case]

No person can be compelled to sing the National Anthem of one has Genuine conscientious religious objection.

SABARIMALA SHRINE CASE KERALA (2017)

Kerala Hindu places of public worships (Authorization of Entry) Rules 1965 :-

Which permits prohibiting women from accessing places of worship where custom or usages requires it.

Custom ----- it is essential to all the practice of the religion.

Art26 (b) ----- claiming immunity of shrine

Art 25(1) ----- individual

ITALIAN SUPREME COURT SAYS NO TO KIRPAN IN PUBLIC:-

SC:- A sikh who wanted to carry a kirpan in public, he [migrants in the western world] must conform to values of the society they have chosen to settle in]

TRIPLE TALAQ CASE :-

RT to freedom of Religion ----- Public order, morality,
Health

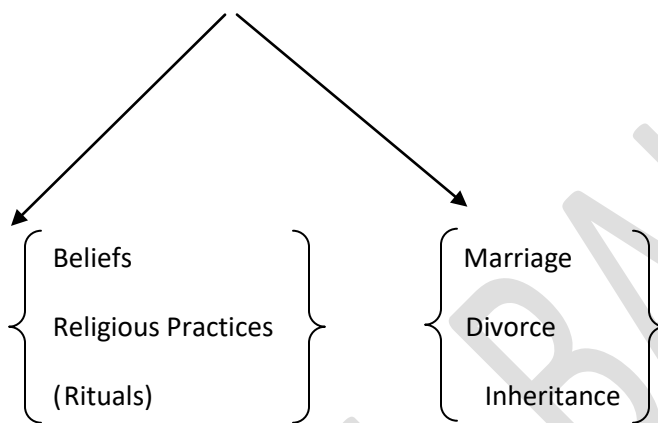
Constitutional morality ----- secularism

Human dignity

Non discrimination

Equality

Essential of a Religion :-



Performance of rituals ceremonies

- 1) Was an “integral part” of the religious freedom
- 2) But securing the service of the priest
[Who perform rituals ceremonies]

⇒ Role of state in religious matters:-

Bhuri V. state of J&K [AIR 1997 SC]

J&K Mata vaishno Devi Act 1988

- a) The state has power to regulate the appointment of priest
& can fix his emoluments .

- b) The Govt. can also abolish his customary share in the offering of deity.

ANIL BALHERA

QUESTION BANK ON FUNDAMENTAL RIGHTS

1. According to A.V. Dicey, in India the rule of law is embodied in

- (a) art. 12 (bihar judicial examination 2018)
- (b) art. 13
- (c) art. 14
- (d) art. 21

Ans. (c)

2. Right to freedom of religion cannot be restricted on the ground of

- (a) morality (bihar judicial examination 2018)
- (b) health
- (c) security of the state
- (d) public order

Ans. (c)

3. Right to education is a fundamental right under article

- (a) art. 14 (uttarakhand judicial examination 2006)
- (b) art. 19
- (c) art. 22
- (d) art. 21-A

Ans. (D)

4. which art. of the constitution is related to the abolition of untouchability ?

(a) art. 17 (uttarakhand judicial examination 2006)

(b) art. 15

(c) art. 16

(d) art. 18

a. Ans. (a)

5. The used to be a fundamental right but is now a legal right only

(a) cultural and education right (PJS 2010)

(b) right to property

(c) right against exploitation

(d) right to religious freedom

Ans. (b)

6. In which of these cases it was held that smoking in public place, is violation of fundamental right of the life and personal liberty

(a) mohine jain v.s state of karnataka (M.P JS 2017)

(b) murli S.deora V.S union of india and others

(c) prem shankar shukla V.S delhi administration

(d) shankri prasad V.S union of india

Ans. (a)

7. "Hicklin test" under art. 19 (2) of the constitution of India is related to

(a) Decency and morality

(uttrakhand judicial service examination 2017)

(b) Defamation

(c) integrity of India

(d) none of the above

Ans. (a)

8. clause 5 in art. 15 of the Indian constitution was added by

(a) 91st amendment

uttrakhand judicial service examination 2017

(b) 92nd amendment

(c) 93rd amendment

(d) 94th amendment

Ans. (c)

9. Right to speedy trial is

(a) constitutional right

(b) fundamental right

(c) legal right

(d) DPSP

Ans. (B)

U.K judicial service examination 2011)

10. By which amendment art. 21-A is added in the constitution of india

- (a) 84th amend.2001
- (b) 85th amend. 2001
- (c) 86th amend. 2002
- (c) 87th amend. 2003

Ans. (c)

U.K judiciary examination 2011)

11. Which one of the under mentioned right is guranteed to citizen as freedom of religion under art.19

- (a) right to vote
- (b) right to citizenship
- (C) right to contest election
- (d) right to assemble peacefully without Arms

Ans. (d)

Assam judicial examination 2011)

12. Can fundamental rights, under indian constitution ,be waived by a person

- (a) yes, by every person
- (b) yes, not only by a group of person

- (c) only right conferring a benefit on the individual can be waived
- (d) fundamental right cannot be waived

Ans. (d)

M.P judicial service examination 2013)

13. which part of the constitution of india deals with the fundamental right

- (a) part I
- (b) part II
- (c) part III
- (d) part IV

Ans. (c)

delhi judiciary examination 2015)

14. The "equal protection of laws" in art. 14 has been taken from

- (a) british constitution
- (b) American constitution
- (c) Australian constituion
- (d) None of the above

Ans. (b)

U.P judicial service examination 2015)

15. The S.C of india has traced the , right to privacy in art.

- (a) Art.14
- (B) Art. 19
- (c) Art. 21
- (d) Art. 22

Ans. (c)

U.P judicial service examination 2015)

16. Which among of the following is not a fundamental right

- 1. right to equality
- 2. right to freedom of religion
- 3. right to constitutional remedies
- 4. equal justice and free legal aid

- (a) (1) (2) (3)
- (b) (1)
- (c) (4)

(d) (2)

Ans. (c)

M.P judicial service examination 2016)

17. Art. 17 of the indian constitution deals with

- (a) Education
- (b) Health
- (c) abolition of untouchability
- (d) food gurantee

Ans.(c)

M.p judicial service examination 2016)

18. which one of the following case is not related with 19 (1) (a) of the indian constitution

- (a) prakash jha int. Ltd. V.S union of india
- (b) secretrary ministry I\$B V.S C.A.B.
- (c) communist party of the india V.S Bharat Kumar
- (d) Kathi ranning V.S. State of saurashtra

Ans. (d)

U.K judicial service examination 2014

19. Art. 24 of the constitution prohibit employment of children in an factory or mine or any hazaradous employment below the age of -----

- (a) 18 yr.
- (b) 12yr.
- (c) 14yr.
- (d) 16yr.

Ans. (c)

M.P judicial service examination 2014)

20. Pursuant to a constitutional amendment "co-operative society "finds a place among fundamental rights in

- (a) art. 19(1) (a)
- (b) art. 19 (1) (b)
- (c) art. 19 (1) (c)
- (d) none of the above

Ans. (c)

Uttrakhand judicial service examination 2106)

21. 14 article _____ of the constitution of the india vests the residuary power of legislation

with the parliament

A 246

B 247

C 248

D 250

haryana judiciary prelims 2015

22: 21 according to article of th constitution every high court shall have _____ over all court and tribunal through out the territories in relation to which it exercises jurisdiction

(haryana judiciary prelims 2015)

23: In which year and by what amendment article 21A was inserted?

a) 86th of 2002

b) 89th

c) 91

d) 93

(Haryana pre judicial service 2010)

24: What in provisions art 21(2)?

a) ek post facto

- b) double jeopardy
- C) self conviction
- d) none of these

(Haryana pre judicial service 2010)

25: "Equity before law"&equal protection of law article 14 are provided to whom?

- a) citizens
- b) persons
- c) both (a) and (b)
- d) none of these

(Haryana pre judicial service 2010)

26: What is right to life means not mere animal existence but you live with dignity?

- a) satwant singh case
- b) menka Gandhi case
- c) E. R. J SWAMI V STATE OF KERELA
- d) none of the above

(Haryana pre judicial service 2010)

27: In India right to education is?

- a) constitutional right
- b) statutory right

- c) fundamental right
- d) common law right

(Kerela judiciary NCA prelims 2011)

28: The basic structure of Indian Constitution lies in?

- a) article 14
- b) article 21
- c) preamble
- d) article 32

(Kerela judiciary NCA prelims 2011)

29: Which fundamental right article is enforceable during the time of emergency?

- a) 20
- b) 21
- c) both (a) and (b)
- d) none of these

(Haryana judicial service 2010)

30: article 21 of the FR deal with which subject?

- a) equality of opportunity in matters of public employment
- b) protection in respect of conviction of offence
- c) protection of life and personal liberty
- d) none of the above

31: 'Any person' in article 14 denotes?

- a) any company or association or body of individuals both

citizens and non citizens natural person and legal person

- b) any person is preferred as individual only
- c) any person includes only foreign tourist
- d) all of the above

(Punjab civil service 2008)

32: article 14 guarantees equality before the law, if any law making special provision for women or children under art15(3)?

- a) it will be in contravention of art 14
- b) it does not contravene article 14
- c) it depends on the circumstances and gravity of the situation
- d) both (a) and (b)

(Punjab civil service 2008)

33: Article 14 guarantee equality before law and equal protection of law to-2014 prelims haryana)

- a) all persons natural as well as artificial
- b) all persons living within the territory of India
- c) all Indian citizens living in India
- d) all persons domiciled on India

(Haryana judiciary pre. 2014)

34: The fundamental right guaranteed under art 14 and 19 of the Constitution are as far as armed forces are concerned-

- a) available only according to law made by Parliament
- b) available to armed forces but not to other forces
- c) available only at the discretion of Chief of army staff

d) none of the above

(upsc IAS prelims 2012)

35: Right to travel abrt is a part of 'personal liberty' as envisaged under article 21

- a) true
- b) false

36: Right to education is a fundamental right emanai from right time equality before law and equal protection of law under article 14?

- a) true
- b) false

37: the word ' procedure established by law ' in article 21 means-

- a) a law which is reasonable, fair and just
- b) that due process of law must be followed
- c) a procedure laid down or enacted by a competent authority
- d) the same things as 'due process of law'

(Haryana prelims 2009)

38: "right to life "means-

- a) right to remain alive
- b) right to survive in the world
- c) right to continue to breath
- d) right to have all limbs and faculties intact

(upsc 2006)

39: article 21 now protect the right to life and personal liberty of citizens not only from executive action but also from legislative action. The relevant case is-

- a) menka Gandhi
- b) minerva mills
- c) A K gopalan
- d) unnikrishnan's

40: which one of the following right cannot be inferred from article 21 of the Constitution?

- a) right to form association
- b) right against inhuman treatment
- c) right against delayed executions of death penalty
- d) right against solidarity confinement

(Haryana prelims 2008

41- In which one of the following cases the supreme court has declared Article 15(5) as constitutional?

- (a). Indira Sawhney v union of india
- (b).Ashok kumar thakur v union of India
- (c) State of Madras v champakam Dorairajan
- (d).T.M.A Pai Foundation v state of Karnataka

Ans. (b).

U.P.pcsJ 2015

42- Article 15 prohibits the discrimination between citizens on the basis of

- (a) Religion and caste only.
- (b) Religion ,race and caste only
- (c) Religion , race and sex only
- (d) Religion , race, caste, sex, place of birth or any of them

Ans. (d)

U.P.pcsJ 2015

Ques. 3 According to supreme court of India Jat Community of various states is

- (a) backward class under Article 16(4).
- (b) not backward class under Article 16(4)
- (c) mainly socially backward class
- (d) not political organised class

Ans.(c)

U.P. pcsJ 2016

44. In Indira Swahney v Union of India ,case the supreme court has held that there

- (a) can be reservation in promotion.
- (b) can not be reservation in promotion

(c) can be reservation in promotion for other backward class(OBC)

(d) can be reservation in promotion for women

Ans...(b)

U.P. pcsJ 2016

45. Article 340 of the Indian Constitution deals with

(a) Backward Class Commission.

(b) Election Commission

(c) union public service commission

(d) Finance commission

Ans. (a)

U.K.pcsJ 2010

46. In educational institutions reservation of seats in favour of scheduled castes and scheduled tribes is governed by

(a) article 15(4) of the Constitution.

(b) article 16(4) of the Constitution

(c) article 29(2) of the Constitution

(d) article 14 of the Constitution

Ans.(a) .

U.P.pcsJ 2018

47 which of the following article of the india Constitution guarantes equal opportunities in public employment to persons belonging to SC/ST and other minority communities?

(a) article 15.

.....

(b) article 16

(c) article 22

(d) article 27

Ans.(b)

Kerala pcsJ 2009

4 8 National commission for backward classes is set up by-

(a) parliament by law.

(b) President by order

(c) state legislature by law

(d) government by law

Ans.(b)

Kerala pcsJ 2009

49. Untouchability is abolished and its practice in any firm is forbidden in the essence of which of the following articles of Indian Constitution?

(a) article 14

(b) article 15

(c) article 16

(d) article 17

Ans..(d)

Odisa pcsJ 2015

50. Indira swahney v union of India is a case popularly know as-

(a) ayodhya judgment.

HR pcsJ 2011

(b) mandal judgment

(c) suicide judgment

(d) election commission judgment

Ans..(b)

HR pcsJ 2011

51. Constitution(77th amendment) Act 1995 provides for

(a) consequential seniority in matters of promotion in favour of SC and ST

(b) keeping unfilled vacancies of a year reserved for SC/ST candidates separate from the vacancies of succeeding year for determining the ceiling of fifty percent

(c) permits the state to showing any favour to pay class of person

(d) prohibits discrimination against the access to shops , public restaurants and place of public entertainment

Ans..(c)

Odisa pcsJ 2006

52. Match the following.

- (A) Indira Sawhney v union of India (i)
doctrine of legitimate expectation
- (B) keshavnanda bharti v state of kerala. (ii) validity
of Narco Analysis
- (C) Aruna Ramachandran v union of India. (iii) Doctrine
of Basic structure
- (D) Selvi v state of Karnataka (iv)
Mandal Commission case
- (E) Food corporation of India v M/S Kamdhenu industries. (v)
Passive Euthanasia
- (a) A-(iv),B-(iii),C-(v),D-(ii),E-(i)
- (b) A-(iv),B-(iii);C-(v);D(i);E-(ii)
- (c) A-(iv) B-(i);C-(v);D-(ii);E-(i)
- (d) A-(iii);B-(iv)C-(v);D-(ii);E-(i)

Ans. (a)

H.R pcsJ 2018

53. Which on of the following case is related to Carry Forward Formula.

- (a) Menka Gandhi v Union of India.
- (b) Devdasan v Union of India

(c) Pradeep Tandon v state of U.P

(d) none of the above

Ans.....(b)

U.K pcsJ 2016

54. In which of the following case the supreme court held that Article 16(4-A) provided reservation in promotion is an enabling provisions.

(a). Keshavnanda Bharti v State of Kerala.

(b) M Nagraj v union of India

(c) State of Kerala v N.M Thomas

(d) T.M.Pai Foundation v state of Karnataka

Ans.....(b) .

U. K. pcsJ 2012

55. Tick the correct citation of Nagraj v Union of India

(a) AIR 2006 SC 71.

(b) AIR 2008 SC 71

(c) AIR 2007 SC 71

(d) none of the above

Ans.....(a).

U. K. pcsJ 2012

56. "Catch Up " rule establish by the supreme court of India relates to which of the following Article

- (a) Article 14.
- (b) Article 16(4)
- (c) Article 15(4)
- (d) Article 16(4-A)

Ans....(d).

U. K. pcsJ 2012

57 . Equality of opportunity in matters of public employment

- (a) is guaranteed to all citizens of India
- (b) is guaranteed to all residents of India
- (c) is available to persons of India origin irrespective of citizenship
- (d) is not provided for in the Constitution

Ans.....(a).

Delhi pcsJ 2011

58.... Fundamental Right by Article 15(1) of the Constitution is available to

- (a) any person.
- (b) any citizen
- (c) any corporation
- (d) none of the above

Ans.... (b) .

U.P H.J.S pre 2009

59. A commission to investigate the condition of socially and educationally backward classes within the territory of India and the difficulties under which they labour and to make recommendation as to the steps that should be taken by the Union of India to remove such difficulties to improve their conditions can be made by the President of India as per

(a) Article 335

UP H.JS pre2018

(b) Article 348

(c) Article 340

(d) Article 16

Ans....(c).

UP H.JS pre2018

60. India is related to liberty of press ?

(a) Article 19

(b) Article 20

(c) Article 21

(d) Article 22

(Haryana Judicial Service Exam 2010)

Answer :- (a)

61) Article 19 (1) (a) guarantees freedom of speech and expression to.

(a) All the citizens of India

(b) All citizens and foreigners

(c) To all person above 18 years of age

(d) None of the above

Haryana Judicial Prelims Exam 2012)

Answer :- (a)

62.) The Freedom of Press in India is.

- (a) Available to the people under the laws of the parliament
- (b) Specifically provided in the constitution of India
- (c) Implied in the right of freedom of expression
- (d) Available to the people under executive orders

(Uttar Pradesh Higher Judicial Exam 2012)

Answer :- (c)

63) Article 19 (1) includes.

- (a) Freedom of speech and expression
- (b) Liberty of press
- (c) Freedom of propagation of ideas
- (d) None of the above

(Jharkhand Judicial Service Exam 2006)

Answer :- (a)

64) Freedom under Article 19 are.

- (a) Sacrosanct and inalienable
- (b) Absolute without any restriction
- (c) Subject to reasonable restrictions
- (d) Both (a) and (b)

(U. P Judicial Service Exam 2013)

Answer :- (d)

65) Which one of the under mentioned right is guaranteed to citizens as freedom of religion under article 19.

- (a) Right to vote

- (b) Right to citizenship
- (c) Right to contest election
- (d) Right to assemble peacefully without arms

(Punjab Judicial Service Exam 2014)

Answer :- (d)

66) On which of the following freedom can reasonable restrictions be imposed on the ground of security of the states.

- (a) Speech and expression
- (b) Peaceful assembly
- (c) Association or union
- (d) Movement

(Delhi Judicial Service Exam 2017)

Answer :- (a)

67) Article 19(1)(d) provides right to move freely throughout the territory of India. This right is

- (a) Subject to reasonable restrictions for certain and specific purposes
- (b) Absolute and unchallengeable
- (c) Not subjected to any restriction
- (d) Guaranteed and any restriction is infrigement

(Jharkhand Judicial Service Exam, 2008)

Answer :- (a)

68) Reasonable restrictions on freedom to assemble can be imposed.

- (a) In the interest to sovereignty and integrity of India or public order
- (b) In the interest of sovereignty and integrity of India
- (c) In the interest of general public and public order
- (d) In the interest of general public, unity, integrity and sovereignty of India

Bihar Judicial Service Exam 2002)

Answer :- (a)

69) In order to judge the validity of a law in the context of article 19, which one of the following is not the condition considered by the courts?

- (a) Whether the imposes general restrictions
- (b) Wheather the restrictions have been imposed by law
- (c) Wheather restriction are reasonable
- (d) Wheather imposed restrictions relevant to the freedom in question.

(Uttarakhand Civil Judge Exam, 2009)

Answer :- (a)

70) Which of the following cases is not related with Article 19(1)(a) of the Indian constitution?

- (a) Prakash Jha international Ltd. V/S Union of India
- (b) Secretary ministry of J & B v/s C. A.B
- (c) Communist party of India v/s Bharat Kumar
- (d) Kathi Ranning v/s State of Surashtra

(Uttarakhand Judicial Service Pre- exam, 2013)

Answer :- (d)

71) Article 19(2) does not provide one of the following grounds.

- (a) Public order
- (b) Decency or Morality
- (c) Sovereignty and integrity of India
- (d) Contempt of the house

(Odisha Judicial Service Exam, 2007)

Answer :- (c)

72) To practice any profession or to carry on any occupation, trade or business under article 19(1)(g), dealing in intoxicants is.

- (a) A trade and legal
- (b) A trade but not legal
- (c) Not a trade and illegal
- (d) A trade as status varies according to the state

(Bihar Judicial Service Exam, 2011)

Answer :- (a)

73) Which one of the following fundamental right are restrained by preventive detention act.

- (a) Right to religion
- (b) Right to constitutional remedies
- (c) Right to freedom
- (d) Right to equality

(U. P Judicial Service Pre exam, 2003)

Answer :- (c)

74) Which one of the following has been dropped from the list of personal freedom enshrined in Art. 19 of the constitution.

- (a) Freedom to assemble peacefully without arms
- (b) Freedom to acquire, hold and dispose of property
- (c) Freedom to reside and settle in any part of the country
- (d) Freedom to carry on any profession, occupation, trade or business

(Kerala Judicial Service Exam, 2015)

Answer :- (b)

75) In S. K Dua v/s State of Haryana it was held that benefit if given to retire after four years of retirement that retire would be entitled to interest on such benefits relying upon articles.

- (a) Article 14,19,21
- (b) Article 14,21
- (c) Article 12,14 & 16
- (d) None of the above

(Haryana Judicial Service Exam, 2016)

Answer:- (a)

76) Article 19 gets suspended automatically on the proclamation of emergency if the ground of proclamation is.

- (a) Armed rebellion
- (b) War or external aggression
- (c) Both of the above
- (d) None of the above

(Jharkhand Judicial Service Exam, 2012)

Answer :- (b)

77) Article 19 is available to

- (a) Natural person
- (b) Juristic person
- (c) Natural as well as juristic person
- (d) None of the above

(Rajasthan Judicial Service Exam, 2009)

Answer :- (a)

78) Right to freedom to acquire, hold and dispose of property is abolished by.

- (a) By 44th Amen. Act, 1978
- (b) By 43rd Amen. Act, 1976
- (c) By 50th Amendment 1950
- (d) By 1st Amendment 1951

(Delhi Judicial Service Exam, 2002)

Answer :- (a)

79) Which of the following does not constitute reasonable restrictions on art. 19(2) .

- (a) Security of the states
- (b) Friendly relations with the state
- (c) Defamation
- (d) For good economic goal

(Kerala Judicial Service Exam, 2017)

Answer :- (d)

80). Article 25 guarantee freedom of religion but it is subject to

- A) public order, morality, health and other fundamental rights
- B) public order, morality, health and sovereignty and integrity of India
- C) public order, morality, heath
- D) public order, morality and secularism

Answer:- (a)

Delhi judicial service examination 2017

81) article 25 guarantee to all person equally

A) freedom of conscience and the right to freely profess, practice and propagate religion

B) freedom of conscience and the right to freely profess, practice and propagate religion

C) freedom to profess, practice and propagate their religion

D) freedom of religion

Answer:- (a)

Utter Pradesh judicial service 2013

82) under article 26 every religious denomination shall have the right

A) to establish and maintain institutions

B) to manage its own affairs in matter of religion

C) to own and acquire moveable and immovable property

D) all the above

Answer:- (d)

Delhi judicial service examination 2003

83) In explanation II in sub clauses b of clauses (2) of article 25 the term 'Hindus' does not include

- A) Sikh
- B) converted Muslim
- C) jaina
- D) Buddha

Answer:- (b)

Delhi judicial service examination 2017

84) under article 25 of freedom of religion include

- A) conscience
- B) free profession
- C) practice
- D) all the above

Answer:- (d)

U.P. Judicial service exam 2005

85) the word ' practice' mentioned in article 25 does not include

- A) propagate
- B) religious worship
- C) rituals

D) observation

Answer:- (a)

Jharkhand judicial service prelims exam 2008

86. Under the constitution of India which one of the following is not a specific ground on which the state can place restrictions on freedom of religion

A) public order

B) social justice

C) health

D) morality

Answer:- (c)

Delhi judicial service exam 2003

87. Right to freedom of religion cannot be restricted on the ground of

A) public order

B) security of state

C) health

D) morality

Answer:- (b)

Bihar judicial service examination 2011

88. According to article 25 what constitution essential part of religion or religion practice is to be decide by the court on basis

- A) doctor of particular religion
- B) by referendum
- C) by majority
- D) by convening a religious meeting

Answer:- (a)

Kerala judicial service prelims exam 2013

89. Which among the following is not a fundamental rights

- A) Right to strike
- B) right against exploitation
- C) right to equality
- D) right to freedom of religion

Answer:- (a)

U.P. judicial service exam 2009

90. Under constitution which is not a specific ground on which the state can place restrictions on freedom of religion

- A) public order

- B) morality
- C) social justice
- D) Heath

Answer:- (c)

uttara khand judicial service prelims exam 2007

91. which of the following article support the secular features of Indian constitution

- A) article 25-28
- B) article 15(a) 16 (2) 29(2)
- C) article 325
- D) all the above

Answer:- (d)

Kerala judicial service prelims exam 2010

92. the freedom to practice extends

- A) to all activities associated with religion
- B) to those activities which are the essence of religion
- C) to an absolute freedom
- D) none of the above

Answer:- (b)

Uttar Pradesh judicial service exam 2017

93. Article 26 of Indian constitution is subject to

- A) public order
- B) morality
- C) health
- D) all the above

Answer:- (d)

Delhi judicial service exam 2011

94. Which of the following not true

- A) recognition act retrospectively to validate the acts of the date of its actual inception
- B) it is the act of recognition alone which accords statehood to a state
- C) the bulk of state practice evidence the evidentiary theory of recognition

Answer:- (b)

odisha civil service prelims exam 2011

95. Which one of the under mentioned right is guaranteed to citizens as freedom of religion

- A) right to vote
- B) right to citizenship
- C) right to contest election
- D) right to assembly peaceful without arms

Answer:- (d)

Kerala judicial service prelims exam 2009

96. The right to freedom of religion granted by the Indian constitution implies that the Indian citizens

- A) are free to have faith in a religion other than state religion
- B) have to follow the religion of the state
- C) have the freedom profess , practice ,propagate a religion of their choice
- D) not having faith in some religion shall not be appointed to government officers

Answer:- (c)

uttar paradesh judicial service examination 2013

97. Right to freedom of religion means

- A) religion instruction shall be provided in all government educational institutions

B) state shall encourage religious thinking and give preference to person with religion bent of mind in matter of employment

C) all person shall have right to establish institutions for religious and educational purpose

D) none of the above

answer:- (c) uttera khand judicial service prelims exam 2007

98. Which one of the following has been wrongly shown as freedom granted under the right to freedom

A) freedom to assemble peaceful without arms

B) freedom to profess, practice and propagate any religion

C) freedom to reside and settle in any part of the country

D) freedom of profess , occupation, trade or business

Answer:- (b)

Delhi judicial service exam 2003

99. A secular State

A) promotes religions

B) demotes religions

C) integrates religions

D) remains neutral to religions

Answer:- (d)

Utterakhand judicial service prelims exam 2011

100A command asking a public authority to perform its public duty is called the writ of:

- a. Habeas corpus
- b. Certiorari
- c. Mandamus
- d. Prohibition

(haryana judicial prelims services 2010)

101) which of the following statements is wrong:

- a. Under part III of the constitution, the state includes authorities under the control of the government of India
- b. For the purpose of Art. 13 of the constitution, a bylaw is law
- c. For the purpose of Art. 13 of the constitution of India, custom is not a law
- d. The laws passed by the legislature in India before the commencement of the constitution and which were in force at that time are laws in force in India for the purpose of Art. 13 of the constitution

(kerala judicial prelims services 2011)

102)The writ of habeous corpus means:

- a. To produce the body of a person illegally detained before a court
- b. Respect the human rights of a person
- c. Stop the violation of a right of a man.
- d. None of above

(Bihar judicial prelims services 2009)

103)The writ of mandamus is issued to enforce:

- a. Arbitrary action
- b. Mandatory duties
- c. Discretionary power
- d. None of above

(uttrakhand judicial prelims services 2002)

104) A person whose fundamental rights are violated can move the high court under:

- a. Art.20
- b. Art.32
- c. Art.226
- D. Art.22

(Madhya Pradesh judicial prelims services 2009)

105) The writ of certiorari can be issued against:

- a. A person exercising purely administrative power
- b. Against a minister
- c. Against any quasi-judicial or judicial authority.
- d. None of the above

(Bihar judicial prelims services 2009)

106)when a writ is issued to ab inferior court or tribunal on ground of exceeding the jurisdiction or acting contrary to rules of natural justice,it is called a writ of:

- a. Certiorari
- b. Mandamus
- c. Quo warranto
- d. Habeas corpus

(Maharashtra judicial prelims services 2011)

107.The doctrine of Res-judicata is not applicable in case of following writ:

- a. Habeas corpus
- b. Certiorari
- c. Mandamus
- d. Quo warranto

(Assam judicial prelims services 2011)

108) Which one of the following writs can be issued only against judicial or quasi-judicial authorities:

- a. Mandamus
- b. Habeas corpus
- c. Certiorari
- d. Quo warranto

(Haryana judicial prelims services 2011)

109) Which one of the following doctrines is not related to Art 13 of the constitution:

- a. Doctrine of waiver
- b. Doctrine of severability
- c. Doctrine of Eclipse
- d. Doctrine of colourable legislation

(Odisha judicial prelims services 2013)

110) Judicial review of the 9th schedule of the Indian Constitution has been made permissible by:

- a. Keshvananda Bharti vs. State of Kerala

- b. M. Nagraj vs. Union of india
- c. Minerva mills ltd v union of india
- d. I.R coelho vs. State of tamil nadu

(odisha judicial prelims services 2016)

111) The ninth schedule of constitution relates to the law:

- a. which can not judicially reviewed by the Courts and are protected from judicial scrutiny
- b. The law which are not on concurrent lists
- c. The laws which deal with detention and curtailment of liberties during emergency
- d. The laws pertaining to acquisition or Requisition of properties

(Maharashtra district judge 2007)

112) who can issue a writ for enforcement of legal right:

- a. High court
- b. Supreme court
- c. Both 1&2
- d. No writs is there for legal right.

(Maharashtra judicial civil judge 2012)

113)-----established judicial review:

- a. Marbury vs. madison
- b. Plessy vs. ferguson
- c. Gideon vs. Wainwright
- d. Miranda vs. arizona

(Maharashtra judicial prelims services 2001)

114)which of following is considered as bulwark of personal freedom:

- a. Mandamus
- b. Habeas corpus
- c. Certiorari
- d. Quo warranto

(Assam Judicial service grade III prelims 2015)

115) The term law in force in clause (3) of Art. 13 means:

- a. Only statutory law
- b. Customs and usages only
- c. Both a n b
- d. Newly formed public order only

(Assam judicial services grade III prelims 2015)

116) P's passport was cancelled bt giving him any reasonable opportunity of being heard which was mandatory, in such case:

- a. writ of mandamus can be issued
- b. writ of mandamus can not be issued as has no obligation to act fairly.
- c. Since cancellation of passport is always done in intrest of secuity of india, no one can challenge the cancellation
- d. A writ of prohibition can be issued

(Bihar judicial prelims services 2009)

117) In India, judicial review implies:

- a. The power of judiciary to pronounce upon the constitutionality of laws and executive orders
- b. The power of judiciary to question the wisdom of laws enacted by legislatures
- c. The power of judiciary to review all legislative enactment before they are assented to by president
- d. The power of judiciary to review its own judgments given earlier in similar or different cases

(Assam judicial prelims services 2018)

118) Habeas corpus:

- a. Inquest of dead body
- b. Production of the corpse for investigation
- c. Direction to produce the person before the court
- d. Direction to produce dead body

(Maharashtra judicial service civil judge 2012)

119) Match list 1st with list 2nd and select correct answer using the codes given below the lists:

List 1st.

#A# Habeas corpus

#B# Mandamus

#C# Quo warranto

#D# Certiorari

List 2nd

(a) violation of natural justice (b) unlawful arrest and detention (c) exercising of power without jurisdiction (d) non-performance of public duty

1)#A# -b #B# -d #C# -c #D# -a

2)#A# -a #B# -c #C# -d #D# -b

3)#A# -b #B# -c #C# -d #D# -a

4)#A# -a #B# -d #C# -c #D# -b

(Delhi judicial prelims services 2011)