

TEST No. 34

TOPIC: Fundamental Rights

SUBJECT: INDIAN POLITY

Explanation:

Question 1

Answer C

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

Question 2

Answer C

Explanation: Untouchability is not defined in the constitution.

Question 3

Answer D

Explanation: The term 'state' has been used in different provisions concerning the fundamental rights. Hence, Article 12 has defined the term for the purposes of Part III. According to it, the State includes the following:

- Government and Parliament of India, that is, executive and legislative organs of the Union government.
- Government and legislature of states, that is, executive and legislative organs of state government.
- All local authorities, that is, municipalities, panchayats, district boards, improvement trusts, etc.
- All other authorities, that is, statutory or non-statutory authorities like LIC, ONGC, SAIL, etc.

Question 4

Answer C

Explanation: Not all the FRs are available

It is parliament that can modify the FR in their application to Armed Forces

Question 5

Answer D

Explanation: The Fundamental rights are not absolute as they have several restrictions and exceptions in it. They are not permanent as they can be suspended during emergency. (Only article 20 and 21 could not be suspended)

Question 6

Answer C

Explanation: Right to Property was a fundamental Right under the original constitution, it was removed under 44th amendment (and not 42nd) it is now a Legal Right under article 300A.

Question 7

Answer D

Explanation: Article 13 Provides the Judiciary with the Power of declaring any law or some of the

Provisions of the Law that are inconsistent with or in derogation with the Fundamental Rights as null and void.

It provides the power of Judicial Review. The term

‘Law’ in this article covers

- Pre-Constitutional Laws
- Law passed by Parliament and State Legislature.
- Temporary Legislation (ordinance) issued by the

Governor or President.

- Executive Legislation (rules/bylaws/notification)
- Non-Legislative Source of Law (like customs)
- In Keshvanand Bharti case the SC ruled that even Constitutional Amendment acts be subjected to Judicial Review and can be declared null and void if they tend to abolish the Basic Structure of the Constitution.

Question 8

Answer B

Explanation: The President and governor are not answerable to any court for the exercise of their Powers and Duties of office.

No criminal Proceeding can be initiated against them. Only civil proceedings could be initiated that too only after 2 month notice have been issued to it. The foreign Diplomats, including rulers, head of the states; ambassadors, etc. enjoy full Diplomatic Immunity from both Civil and Criminal Proceedings.

Question 9

Answer B

Explanation: Article 15 restricts the both the action of state and Private Individuals.

Article 17 restricts the action of Private Individuals. As it talk about Untouchability, it is presumed that it exist in society only and not in state, though article 17 makes state legally bound to prevent Untouchability.