

## TEST No. 36

### TOPIC: Fundamental Rights

### SUBJECT: INDIAN POLITY

#### Explanation:

Question 1

Answer D

Explanation: only Fundamental Rights can be enforced under Article 32. the jurisdiction of the Supreme Court is not exclusive, it share with high courts.

Question 2

Answer D

Explanation: Writ of prohibition can be issued only against judicial authorities. Mandamus It is a command issued by the court to a public official asking him to perform his official duty. It can be issued against any public body, a corporation, an inferior court, a tribunal or government for the same purpose.

Question 3

Answer C

Explanation: ALL statements are correct

Question 4

Answer D

Explanation: A state run institution cannot impart education that is pro- religion. Also, nothing in this article shall affect the operation of any existing law or prevent the state from making any further law regulating or restricting any economic, nancial, political or other secular activity which may be associated with religious practice, or providing for social welfare and reform.

Question 5

Answer D

Explanation: But the right to administer does not mean that the state cannot interfere in case of maladministration. In a precedent- setting judgement in 1980, the Supreme Court held that the state can certainly take regulatory measures to promote the ef ciency and excellence of educational standards. It can also issue guidelines for ensuring the security of the services of the teachers or other employees of the institution. In another landmark judgement delivered on 31 October 2002, the Supreme Court ruled that in case of aided minority institutions offering professional courses, admission could only be through a common entrance test conducted by state or a university. Even an unaided minority institution ought not to ignore the merit of the students for admission.

Question 6

Answer C

Explanation: ARTICLE 32 was reffered by Dr. Bhim Rao Ambedkar as “Soul of the Constitution and very heart of it”

Question 7

Answer C

Explanation:

Habeas Corpus

It is a Latin term meaning 'to have the body'.

It is issued against the body or authority who has detained a person, to produce the detenu (person detained) before the court. Here if the court finds the detention to be illegal, court would set the person free.

Mandamus

It literally means, 'We Command'

It is a command issued by the court to a public official asking him to perform his official duty. It can be issued against any public body, a corporation, an inferior court, a tribunal or government for the same purpose.

Prohibition It means to forbid,

It is issued by a higher court to a lower court or tribunal to prevent the latter from exceeding its jurisdiction, or usurping a jurisdiction that it does not possess.

Certiorari

Its literal meaning is, 'to be certified' or 'to be informed'

It is issued by a higher court to a lower court or tribunal to either transfer a case pending with the latter to it, or to squash the order if it is made. It is issued on the grounds of excess of Jurisdiction or error of Law.

Quo Warranto

Its literal meaning is, 'by what authority/warrant'. It is issued by a court to enquire into the legality of claim of a person to a public office i.e. whether a person holding any public office has the qualification and/or experience required for that office. It prevents illegal usurpation of public office by a person.

Question 8

Answer C

Explanation: Constitution provides for ban on employment of Child in factories, mines and other hazardous jobs. On the basis of it Parliament Passed, The Child labour (Prohibition and Protection) act 1986, which along with these also put a ban on other places also like commercial establishments, restaurants, places of Public Entertainments, etc. Employment of Child labour in a family business is allowed if it is non-hazardous in nature and does not affect the school timings.