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Salient Features and Preamble of the Constitution

1. Indian Constitution is considered as the lengthiest Constitution of the world. Which of the following are the factors that have contributed to the elephantine size of our Constitution?

1. Dominance of members from legal background in the Constituent Assembly
2. Single Constitution for both the Centre and the states
3. Partition of India and Pakistan
4. Diversity of the nation
5. Socio Religious reforms before Independence

Select the correct code.

- A. 1, 2, 4 and 5 only
- B. 2, 3, 4 and 5 only
- C. 2, 3 and 4 only
- D. 1, 2 and 4 only

Answer: D

Explanation

- Originally (1949), the Constitution contained a Preamble, 395 Articles (divided into 22 Parts) and 8 Schedules.
- Four factors have contributed to the elephantine size of our Constitution. They are:
 - ✓ Geographical factors, that is, the vastness of the country and its diversity.

✓ Historical factors, e.g., the influence of the Government of India Act of 1935, which was bulky.

✓ Single Constitution for both the Centre and the states. !Dominance of legal luminaries in the Constituent Assembly.

2. Consider the following statements:

1. Being a sovereign state, India can either acquire a foreign territory or cede a part of its territory in favour of a foreign state.
2. The terms 'secular' and 'integrity' were added by the 42nd Constitutional Amendment Act of 1976.
3. In the Berubari Union¹⁶ case (1960), the Supreme Court held that the Preamble is an integral part of the Constitution.

Which of the above statements is/are correct?

- A. 1 and 3 only
- B. 2 only
- C. 1 and 2 only
- D. 1, 2 and 3

Answer: C

Explanation

- Sovereign
 - ✓ Neither a dependency
 - ✓ Nor a dominion of any other nation

- The terms 'secular', 'socialist' and 'integrity' too was added by the 42nd Constitutional Amendment Act of 1976.

1960 Berubari Union case

- Supreme Court specifically opined that Preamble is not a part of the Constitution.

1973 Kesavananda Bharati case

- The Supreme Court rejected the earlier opinion and held that Preamble is a part of the Constitution.

1995 LIC of India case

- The Supreme Court again held that the Preamble is an integral part of the Constitution

3. Which of the following provisions of the Constitution ensures civic equality?

1. Equality before the law.
2. Abolition of untouchability
3. Equal pay for equal work
4. Abolition of titles
5. Universal Adult Suffrage

Select the correct code.

- A. 1, 2, 4 and 5 only
- B. 2, 3 and 4 only
- C. 2, 4 and 5 only
- D. 1, 2 and 4 only

Answer: D

Explanation

- The Preamble secures to all citizens of India equality of status and opportunity. This provision embraces three dimensions of equality—civic, political and economic.
- The following provisions of the chapter on Fundamental Rights ensure civic equality:
 - ✓ Equality before the law (Article 14).

✓ Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth (Article 15).

✓ Equality of opportunity in matters of public employment (Article 16). (d) Abolition of untouchability (Article 17).

✓ Abolition of titles (Article 18).

- There are two provisions in the Constitution that seek to achieve political equality.

✓ No person is to be declared ineligible for inclusion in electoral rolls on grounds of religion, race, caste or sex (Article 325).

✓ Elections to the Lok Sabha and the state assemblies to be on the basis of adult suffrage (Article 326).

- The Directive Principles of State Policy (Article 39) secures to men and women equal right to an adequate means of livelihood and equal pay for equal work.

4. Consider the following pairs:

Features :: Sources

1. Emergency provisions :: US Constitution
2. Procedure for amendment of the Constitution :: South African Constitution
3. Directive Principles of State Policy :: Irish Constitution
4. Office of governor :: Government of India Act of 1935

Which of the above pairs is/are correct?

- A. 2 and 3 only
- B. 2, 3 and 4 only

C. 1, 2 and 4 only

D. 3 and 4 only

Answer: B

Explanation

Sources	Features Borrowed
1. Government of India Act of 1935	Federal Scheme, Office of governor, Judiciary, Public Service Commissions, Emergency provisions and administrative details.
2. British Constitution	Parliamentary government, Rule of Law, legislative procedure, single citizenship, cabinet system, prerogative writs, parliamentary privileges and bicameralism.

Sources	Features Borrowed
3. US Constitution	Fundamental rights, independence of judiciary, judicial review, impeachment of the president, removal of Supreme Court and high court judges and post of vice-president.
4. Canadian Constitution	Federation with a strong Centre, vesting of residuary powers in the Centre, appointment of state governors by the Centre, and advisory jurisdiction of the Supreme Court.
5. French Constitution	Republic and the ideals of liberty, equality and fraternity in the Preamble

5. Which one of the following provisions does not reveal the secular character of the Indian State?

A. Preamble secures to all citizens of India liberty of belief, faith and worship.

B. Equality of opportunity for all citizens in matters of public employment.

C. No person shall be compelled to pay any taxes for the promotion of a particular religion.

D. None of the above

Answer: D

Explanation

• The Constitution of India stands for a Secular State. Hence, it does not uphold any particular religion as the official religion of the Indian State. The following provisions of the Constitution reveal the secular character of the Indian State:

✓ The term ‘secular’ was added to the Preamble of the Indian Constitution by the 42nd Constitutional Amendment Act of 1976.

✓ The Preamble secures to all citizens of India liberty of belief, faith and worship.

✓ The State shall not deny to any person equality before the law or equal protection of the laws (Article 14).

• The State shall not discriminate against any citizen on the ground of religion (Article 15).

• Equality of opportunity for all citizens in matters of public employment (Article 16).

• All persons are equally entitled to freedom of conscience and the right to freely profess, practice and propagate any religion (Article 25).

• Every religious denomination or any of its section shall have the right to manage its religious affairs (Article 26).

• No person shall be compelled to pay any taxes for the promotion of a particular religion (Article 27).

• No religious instruction shall be provided in any educational institution maintained by the State (Article 28).