

## Pre-Mix – 5 MCQs for Prelims

### Subject – Polity

Date – 07<sup>th</sup> March 2023

#### 1. Consider the following statements regarding the Delimitation Commission.

1. It is to be constituted under parliamentary law.
2. Its orders cannot be challenged in the court of law
3. The last delimitation exercise in Assam was held after Assam Accord was signed in 1985.

#### Which of the above statements is/are correct?

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

#### 2. Which of the following judicial pronouncements did not have a direct impact on the concept of Public Interest Litigation in India

1. SP Gupta versus Union of India 1981
2. M.C Mehta versus Union of India 1987
3. Berubari Union Case 1960
4. Hussainara Khaton versus State of Bihar 1979

#### Choose the correct answer:

- A. Only one of the above
- B. Only two of the above
- C. Only three of the above
- D. All four

#### 3. Consider the following statements regarding sedition law provisions in India:

1. In 2018, Law commission of India recommended the repeal of Section 124 A of IPC.

2. Sedition was made a cognizable offence under the prime ministership of Jawaharlal Nehru.

#### Which of the above statements is/are correct?

- A. 1 only
- B. 2 only
- C. Both 1 and 2
- D. Neither 1 nor 2

#### 4. Consider the following statements:

1. As per Article 246 A, the Parliament and the Legislature of every State, has power to make laws with respect to the goods and services tax (GST).
2. Integrated Goods and Services Tax (IGST) is in the legislative domain of the Union government.

#### Which of the above statements is/are correct?

- A. 1 only
- B. 2 only
- C. Both 1 and 2
- D. Neither 1 nor 2

#### 5. Art 19 (2) places restrictions on freedom of speech and expression on account of which of the following?

1. Public Order
2. Decency or morality
3. Public Health
4. Defamation
5. Other Fundamental Rights

#### Select the correct option:

- 1, 3 and 5
- 1, 2 and 4
- 2, 4, 5 and 6
- 1, 2, 3, 4, 5, 6

## Answers with Explanations

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3. The last delimitation exercise in Assam was held after Assam Accord was signed in 1985.

Which of the above statements is/are correct?

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- B. 1 and 2 only
- C. 2 and 3 only
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**Answer : B**

**Explanation**

- Article 82. Readjustment after each census.—Upon the completion of each census, the allocation of seats in the House of the People to the States and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine.
- Composition as per Delimitation Commission act 2002
  1. Chairperson- Present or former Judge of Supreme Court
  2. CEC or Election Commissioner
  3. State Election Commissioner of the state concerned
    - Upon publication in the Gazette of India, every such order shall have the force of law and shall not be called in question in any court.

<sup>4</sup>[8A. Delimitation of Parliamentary and Assembly Constituencies in the States of Arunachal Pradesh, Assam, Manipur or Nagaland.— (1) If the President is satisfied that the situation and the conditions prevailing in the States of Arunachal Pradesh, Assam, Manipur or Nagaland are conducive for the conduct of delimitation exercise, he may, by order, rescind the deferment order issued under the provisions of section 10A of the Delimitation Act, 2002 (33 of 2002) in relation to that State, and provide for the conduct of delimitation exercise in the State by the Election Commission.

2. Which of the following judicial pronouncements did not have a direct impact on the concept of Public Interest Litigation in India

1. SP Gupta versus Union of India 1981
2. M.C Mehta versus Union of India 1987
3. Berubari Union Case 1960
4. Hussainara Khatoon versus State of Bihar 1979

Choose the correct answer:

- A. Only one of the above
- B. Only two of the above
- C. Only three of the above
- D. All four

**Answer : A**

**Explanation**

**Statement 1 is correct**

SP Gupta v Union of India, also known as the First Judges Case the case also served as a milestone for the PILs in the country. Earlier, a person who suffered any kind of injury or loss had the right to file a PIL in court. But in this case, the Court widened the scope and ambit of PIL and held that even a person other than the one who suffered injury or loss can file a PIL in the public interest.

**Statement 2 is Correct**

M.C Mehta versus Union of India is a landmark judgement for environmental litigation and public interest litigation as it also paved the way for absolute liability principle.

**Statement 4 is correct**

Hussainara Khatoon Case 1979 focused on inhuman conditions of prisons and undertrials.

Advocate Pushpa Kapila Hingorani moved to the court by filing the issue of writ of habeas corpus the petitioners stated that a large number of men and

women including children were in jail for years awaiting trial in the court of law and that the offence even if proved, would not warrant a punishment for more than a few months.

### Statement 3 is incorrect

Berubari Union Case 1960

Presidential reference under Article 143.

### Berubari Union Case 1960

#### Supreme Court Judgement

1. Disagreed with the contention that the agreement is no more than ascertainment and delineation of the boundaries in the light of the award.
2. Held that PREAMBLE IS NOT PART OF THE CONSTITUTION.
3. Article 1 (3) (C) does not confer the power or authority on India to acquire territories. The power to acquire a foreign territory and power to cede a part of the national territory are essential attributes of sovereignty.
4. Supreme Court concluded that it would not be competent to parliament to make a law under Article 3 for the purpose of implementing the agreement. Thus to implement the agreement, constitutional amendment under Article 368 will have to be passed.

### 3. Consider the following statements regarding sedition law provisions in India:

1. In 2018, Law commission of India recommended the repeal of Section 124 A of IPC.
2. Sedition was made a cognizable offence under the prime ministership of Jawaharlal Nehru.

#### Which of the above statements is/are correct?

- A. 1 only
- B. 2 only
- C. Both 1 and 2
- D. Neither 1 nor 2

**Answer : A**

#### Explanation

**1870 - Section 124 A** inserted in IPC by an amendment introduced by Sir James Stephen when it felt the need for a specific section to deal with offence.

Jogesh Chandra Bose, Bal Gangadhar Tilak, Mahatma Gandhi, Annie Besant were all convicted of this offence.

**1974 -** It was made cognizable offence that authorizes police to make arrests without a warrant.

#### 4. Consider the following statements:

1. As per Article 246 A, the Parliament and the Legislature of every State, has power to make laws with respect to the goods and services tax (GST).
2. Integrated Goods and Services Tax (IGST) is in the legislative domain of the Union government.

#### Which of the above statements is/are correct?

- A. 1 only
- B. 2 only
- C. Both 1 and 2
- D. Neither 1 nor 2

**Answer : C**

#### Explanation

246A - (1) Notwithstanding anything contained in articles 246 and 254, Parliament, and, subject to clause (2), the Legislature of every State, have power to make laws with respect to goods and services tax imposed by the Union or by such State.

(2) Parliament has exclusive power to make laws with respect to goods and services tax where the supply of goods, or of services, or both takes place in the course of inter-State trade or commerce.

**5. Art 19 (2) places restrictions on freedom of speech and expression on account of which of the following?**

1. Public Order

2. Decency or morality
3. Public Health
4. Defamation
5. Other Fundamental Rights

**Select the correct option:**

- A. 1, 3 and 5
- B. 1, 2 and 4
- C. 2, 4, 5 and 6
- D. 1, 2, 3, 4, 5, 6

**Answer : B**

**Explanation**

business.

<sup>3</sup>[(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of <sup>4</sup>[the sovereignty and integrity of India], the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.]