

QUESTION BANK

VERY SHORT ANSWER QUESTIONS

1. *What is considered the core of the Indian Constitution?*
Ans. The core of the Indian Constitution lies in Part III that relates to the Fundamental Rights.
2. *Define the term 'Rights'.*
Ans. Rights are those freedoms which are essential for personal and common good and are guaranteed by the government.
3. *Define the term 'Fundamental Rights'.*
Ans. Fundamental Rights are the conditions which are recognised as the primary requirements for the balanced development of a person.
4. *How do the Fundamental Rights act as a check on the arbitrary conduct of the State?*
Ans. Fundamental Rights can be altered or curtailed only by an amendment of the Constitution. However, the 'Basic structure' of the constitution can not be amended. Thus, their inclusion in the Constitution is a check not only on the Executive but also on the Parliament and other legislative bodies.
5. *How do the Fundamental Rights reveal the Fundamental Unity of India?*
Ans. The Fundamental Rights emphasize the fundamental unity of India. All the citizens have the same liberties and the facilities, irrespective of wealth or social status, race or caste, sex or place of birth, or any of them.
6. *Name the Right that was deleted from the list of Fundamental Rights by the Forty-fourth Amendment Act.*
Ans. The 44th Amendment Act deleted the 'Right to Property' from the list of Fundamental Rights.
7. *The Constitution prohibits the State from discriminating against any citizen on grounds only of religion, race, caste or sex. Mention the two exception to this Right.*
Ans. (i) The State may make any special provision for the advancement of any socially and educationally backward class of citizens.
(ii) Residence of a particular State cannot be made a condition for appointment to a particular job of the State or Central Government.
8. *Why did the Constitution abolish the old system of conferring titles?*
Ans. The Constitution has abolished the old system of conferring titles because they were against the policy of equality of status.
9. *Mention any two freedoms contained in the Right to Freedom.*
Ans. (i) Freedom of speech and expression.
(ii) Freedom to assemble peacefully and without arms.
10. *What is meant by Preventive Detention?*
Ans. Preventive Detention is the detention of a person without trial.
11. *Mention one right of a person detained under a Preventive Detention Act.*
Ans. No one can be detained for a period longer than three months. The period can be extended only by an Advisory Board.
12. *Mention one important provision of the Right Against Exploitation.*
Ans. No child below the age of fourteen years shall be employed to work in any factory or mine.

13. *Mention two Fundamental Rights that indicate that India is a Secular State.*
Ans. (i) Right to Freedom of Religion.
 (ii) Right to Equality.
14. *Name the Fundamental Right aimed at preserving the language, script and culture of the minorities.*
Ans. Cultural and Educational Rights.
15. *What is meant by the term 'Writ'?*
Ans. Writ is an order which a court of law issues on a citizen's complaint, in order to protect his/her rights.
16. *Which article of the Constitution is considered to be the very heart and soul of the Constitution?*
Ans. Article 32 of the Constitution of India which confers upon the citizens the Right to Constitutional Remedies, is considered to be the heart and soul of the Constitution.
17. *Name the Courts which are competent to issue writs for the enforcement of Fundamental Rights.*
Ans. Supreme Court, High Court and any other Court authorised by the Parliament.
18. *What is the purpose of the writ of Habeas Corpus?*
Ans. The purpose of Habeas Corpus is to safeguard the personal freedom of a citizen.
19. *What is the purpose of the writ of Mandamus?*
Ans. The writ of Mandamus is a sort of command from a Superior Court to a Subordinate Court or an administrative authority. This writ helps to keep a check on the authorities.
20. *What is the purpose of the writ of Quo Warranto?*
Ans. The writ of Quo Warranto prevents an unlawful claimant from holding a superior public office.
21. *Mention a citizen's duty towards himself.*
Ans. A citizen should strive towards excellence in all spheres of individual and collective activity.
22. *Mention one duty that we owe to the Nation.*
Ans. Duty to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem.
23. *Mention a citizen's duty concerning the environment.*
Ans. To protect and improve the natural environment and to have compassion for living creatures.
24. *What is the difference between the writ of Prohibition and the Writ of Certiorari?*
Ans. The difference between the writ of Prohibition and the writ of Certiorari is that while the former is issued when certain proceedings are still going on, the latter is issued only when the order has already been passed.

SHORT ANSWER QUESTIONS

1. *What do you mean by Fundamental Rights?*
Ans. For his or her all-round development, a person needs certain basic rights. For example, to say something to others, a person must have the right to express. These conditions, which are recognised as the primary need for a person's development, are known as the Fundamental Rights.
2. *What are the sources of Fundamental Rights in our Constitution?*
Ans. The inclusion of Fundamental Rights in our Constitution was inspired by the French Revolution's slogan of 'Equality, Liberty, Fraternity', the French Revolution's Declaration of the Rights of Man and Citizen, the Russian Revolution and the Bill of Rights of the United States.
3. *What Fundamental Rights are enjoyed by the Indian citizens?*
Ans. The Fundamental Rights enjoyed by the Indian citizens are :
 (i) Right to Equality
 (ii) Right to Freedom
 (iii) Right against Exploitation
 (iv) Right to Freedom of Religion
 (v) Cultural and Educational Rights
 (vi) Right to Constitutional Remedies

4. *Fundamental Rights are not absolute. Explain the statement.*

Ans. Every Fundamental Right has its own limitation. For example, Right to freedom of a person can be curbed if he or she harms the Fundamental Rights of other citizens. Right to Freedom of Religion does not mean that one has a right to spread hatred against those following other religions. Also, Fundamental Rights can be suspended under circumstances of emergency or national crisis. All this shows that Fundamental Rights are not absolute.

5. *In what way an Emergency affects the Fundamental Rights?*

Ans. If the President proclaims a national emergency, Fundamental Rights like Right to Freedom can be suspended. The same can be done in the whole of India or a part of it if the national unity and integrity is under threat.

6. *Fundamental Rights are justiciable. Explain.*

Ans. If any person, body, institution or even the State encroaches upon the Fundamental Rights of a citizen, he or she can move the Court, which ensures that his or her Fundamental Rights are protected and enforced. In other words, we can say that Fundamental Rights are justiciable.

7. *What are the main features of Fundamental Rights?*

Ans. The Fundamental Rights enshrined in the Indian Constitution are :

- (i) Universal. That means they are given to all Indian citizens without discrimination of caste, religion, sex, region, language or age.
- (ii) These fundamental rights are also comprehensive as they cover the social, cultural, political, economic, religious and other aspects of life.
- (iii) They are not absolute, i.e., certain restrictions have been imposed on them against encroachment by others upon the similar Rights of one or more citizens.
- (iv) **Justiciable** - We have been given the right to knock the doors of justice if these Rights are encroached upon either by the State or person or a body of persons.
- (v) **Suspendable** - These Rights can be suspended in the event of national emergency to safeguard the interest and integrity of our country.

8. *What do you mean by Right to Equality?*

Ans. Right to Equality (Article 14-18) means that all citizens will be treated equal before law, discrimination in education and jobs will not be practised, all will have equality of opportunity in public life, untouchability in any form is prohibited, and that the State will not provide titles like Rai Saheb, Khan Bahadur, etc., as it goes against the spirit of equality.

9. *How many freedoms form part of the Right to Freedom?*

Ans. The Right to Freedom (Articles 19 to 22) is based on :

- (a) Right to freedom of expression
- (b) Right to assemble peacefully and without arms
- (c) Right to form unions or associations
- (d) Right to free movement
- (e) Right to reside in any part of the country
- (f) Right to practice any profession.

10. *Right to freedom of speech and expression has its own limitations. Explain.*

Ans. Every citizen is free to speak out or express his/her ideas and feelings in meetings, through the media or in other ways. But he or she is not allowed to slander others, engage in character assassination, incite violence, spread hatred against others, or jeopardise the nation's unity and integrity. Thus the Right to freedom of speech and expression is limited only to decent forms of expression.

11. *Which Fundamental Right prohibits forced labour?*

OR

Which Fundamental Right prohibits employment of children in hazardous jobs?

Ans. The Right Against Exploitation (Article 23-24) prohibits forced labour (begar), beggary, traffic in women and children, under-payment and employment of children in mines, factories and other hazardous occupations.

12. What do you mean by Right to Freedom of Religion?

Ans. The Right to Freedom of Religion says that Indian citizens can

- (a) follow any religion of their choice,
- (b) practise it in their specific way, and
- (c) preach it.

However, they are not free to preach hatred against other religions.

13. What do you mean by Cultural and Educational Rights?

Ans. Under Articles 29 and 30 of Indian Constitution (Cultural and Educational Rights), all groups, sects and linguistic or religious minorities have a Right to safeguard their culture, language and script. They are free to open their own educational institutions though these institutions cannot debar children of other groups if they seek admission.

14. What do you mean by Right to Constitutional Remedies?

Ans. If a citizen of India feels that his/her Fundamental Rights are being denied by the State, by another citizen or by an organisation, he/she can move any Court for protecting that right. Then the courts have the Right to intervene and issue writs to protect that citizen's Fundamental Rights. This is called the Right to Constitutional Remedies.

15. What is the importance of Right to Constitutional Remedies?

Ans. If a citizen is given certain rights but there is no protection to those Rights, they become meaningless. The Right to Constitutional Remedies (Article 32) is important precisely because it protects other Rights. That is why Dr. B.R. Ambedkar described these remedies as the heart and soul of our Constitution.

16. What is a writ? How many writs are there under the Indian Constitution?

Ans. Writ is an order which a court of law issues on a citizen's complaint, in order to protect his/her rights. The Indian Constitution mentions five types of writs. They are :

- (a) Habeas Corpus
- (b) Mandamus
- (c) Prohibition
- (d) Certiorari
- (e) Quo-Warranto

17. What is Preventive Detention?

Ans. If the government feels that a person can pose a threat to national security, unity or peace, it can arrest him/her even before he/she commits a crime. This is called Preventive Detention. But, within three months, that person has to be produced in a Court of Law or released. During detention, the Fundamental Rights of the detainee are guaranteed.

18. Which article of our Constitution contains the Fundamental Duties?

Ans. The Fundamental Duties are contained in Article 51(A) of the Indian Constitution.

19. When were the Fundamental Duties added to the Indian Constitution?

Ans. The Fundamental Duties were added to the Indian Constitution in 1976, through the 42nd Constitutional Amendment Act. These duties form Part IV-A of our Constitution.

20. How many duties are prescribed in the Constitution?

Ans. The Constitution prescribes a set of eleven Fundamental Duties.

21. What is the nature of the Fundamental Duties?

Ans. The Fundamental Duties are in the nature of a Code of Conduct that is prescribed by the Constitution for all citizens.

22. What was the idea behind incorporating these Fundamental Duties into the Constitution of India?

Ans. The incorporation of Fundamental Duties into our Constitution was motivated by the idea that mere Rights without Duties lead to chaos and harm the nation. A sense of duty motivates a citizen to strike a balance when exercising his or her Fundamental Rights.

STRUCTURED TYPE QUESTIONS

1. The Fundamental Rights given in the Indian Constitution have certain specific characteristics. Explain their nature with regard to the following :

- (a) Fundamental Rights are enforceable by Courts (justiciable)
- (b) They are universal and comprehensive
- (c) No Right is absolute

Ans. The Fundamental Rights, as enumerated in the Indian Constitution, have some specific characteristics. Their nature is described below :

- (a) If the State encroaches upon the Fundamental Rights of a citizen, he or she can move the Court which ensures that his or her Fundamental Rights are protected and enforced. In other words, we can say that Fundamental Rights are justiciable. Only certain rare situations are exceptions to this rule.
 - (b) The Fundamental Rights enshrined in the Indian Constitution are universal. That means they are given to all Indian citizens without discrimination of caste, religion, sex, region, language or age. These Fundamental Rights are also comprehensive as they cover the social and cultural, political, economic, religious and other fields of life.
 - (c) Every Fundamental Right has its own limitation. For example, Right to freedom of a person can be curbed if he or she harms the Fundamental Rights of other citizens. Right to freedom of religion does not mean that one has a Right to spread hatred against those following other religions.
- Also, Fundamental Rights can be suspended under certain conditions. All this shows that Fundamental Rights are not absolute.

2. *The Right to freedom is in fact a bundle of several freedoms or rights. With reference to this statement, explain the following :*

- (a) *The names of these freedoms* (b) *Limitations of any one freedom*
- (c) *The Articles which provide these freedoms*
- (d) *There is a curfew in your city. Which freedom of yours it will affect?*

Ans. (a) The Right to freedom is in fact a cluster of six different kinds of freedom. They are (i) Right to freedom of expression (ii) Right to assemble peacefully without arms (iii) Right to form unions or associations (iv) Right to free movement (v) Right to reside in any part of the country and (vi) Right to practise any occupation.

(b) Every citizen is free to speak out or express his/her ideas and feelings in meetings, newspapers or in other ways. But he or she is not allowed to slander others, engage in character assassination, incite violence, spread hatred against others, or jeopardise the nation's unity and integrity. Thus, the Right to free speech and expression is limited only to decent forms of expression.

(c) These freedoms are enumerated in Articles 19 to 22 of our Constitution.

(d) In case a city is under curfew, our freedom of free movement is affected.

3. *What is the 'heart and soul of Indian Constitution'? With its reference, answer the following :*

- (a) *Whose words are mentioned above? What is his place in Indian History?*
- (b) *How many writs are mentioned in our Constitution? Describe any two of them.*
- (c) *The police comes to a person's house and arrests him/her without showing any reason. His/her family members move the Court. Which writ will the Court issue?*
- (d) *A person is working as an officer in a Government office but it is found that he/she is not qualified for the post. What writ can be issued in this case?*
- (e) *I feel the Central Bureau of Investigation (CBI) is not proceeding satisfactorily to uncover a particular scandal and bringing the guilty to book. I file a Public Interest Litigation (PIL) in Delhi High Court. What writ the court will issue if it is satisfied with my pleas?*

Ans. (a) It is the Right to Constitutional Remedies which has been described as the heart and soul of our Constitution. This right was described so by Babasaheb Ambedkar (Dr. B.R. Ambedkar), who is regarded as the architect of Indian Constitution.

(b) The writs mentioned in the Constitution are :

Habeas Corpus, Mandamus, Prohibition, Certiorari and Quo-Warranto.

Mandamus means 'we command'. A higher court issues the writ to a lower court or authority when they refuse or fail to perform their duty.

Habeas Corpus means to have a body. By issuing this writ, the Court orders a person's release if he/she is illegally detained by a person, or a group or the State.

(c) The Court approached will issue a Habeas Corpus in this case.

(d) The Court will issue a Quo-Warranto in this case.

(e) The Court will issue a Mandamus (mandate) against my PIL (or Public Interest Litigation).

