



LEGAL REASONING



MODULE JANUARY EDITION VOLUME 1



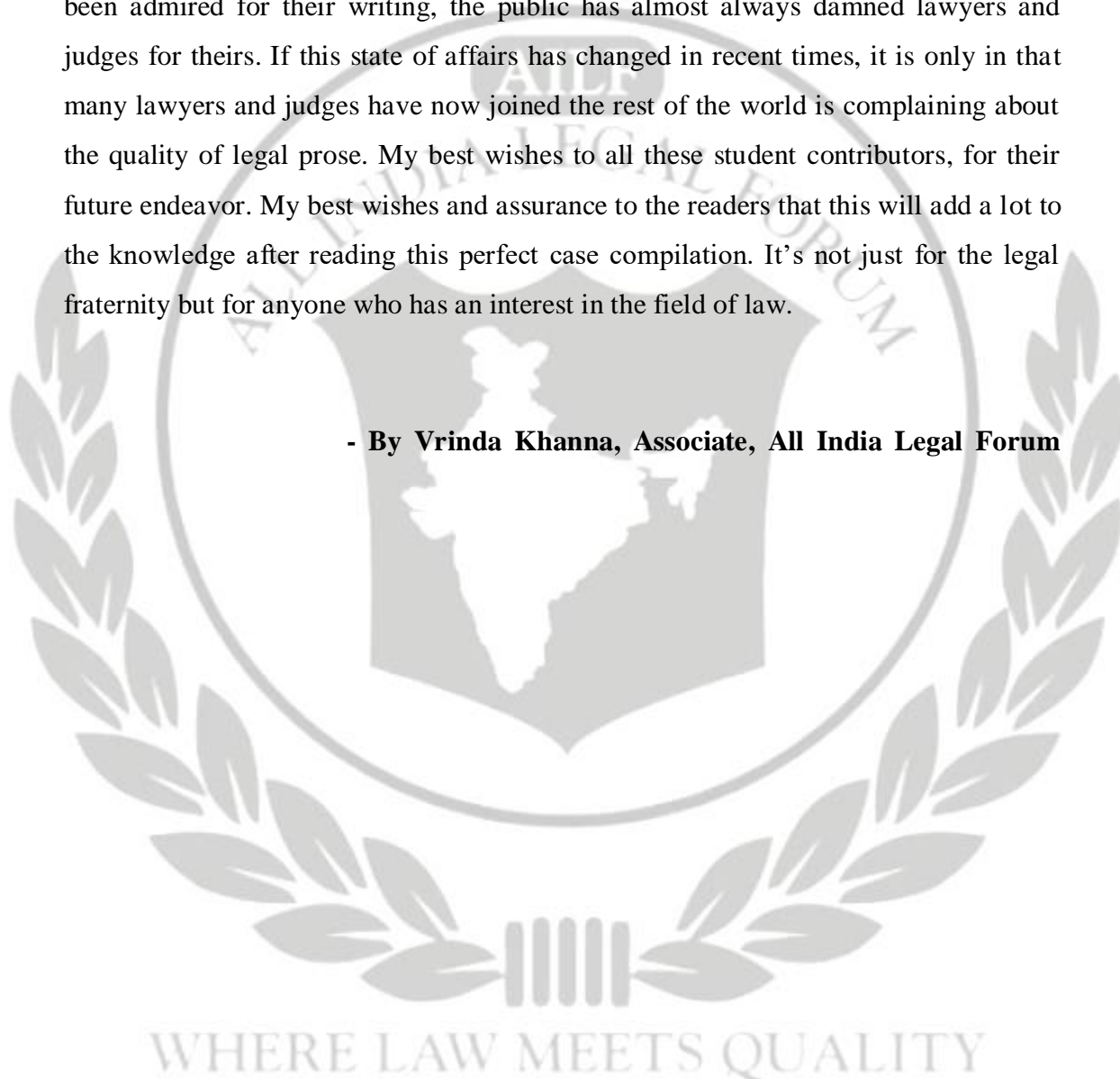
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FOREWORD

More has been said about the writing of lawyers and judges than of any other group, except, of course, poets and novelists. The difference is that while the latter has usually been admired for their writing, the public has almost always damned lawyers and judges for theirs. If this state of affairs has changed in recent times, it is only in that many lawyers and judges have now joined the rest of the world in complaining about the quality of legal prose. My best wishes to all these student contributors, for their future endeavor. My best wishes and assurance to the readers that this will add a lot to the knowledge after reading this perfect case compilation. It's not just for the legal fraternity but for anyone who has an interest in the field of law.

- By Vrinda Khanna, Associate, All India Legal Forum



PREFACE

May there be Peace in Heaven, may there be Peace in the Sky, may there be Peace in the Earth, May there be Peace in the Water, May there be Peace in the Plants, May there be Peace in the Trees, May there be Peace in the Gods in the various Worlds, May there be Peace in all the human beings, May there be Peace in All, PEACE, PEACE, PEACE. Our age-old culture prays for peace and happiness for one and all. Family is the first and oldest social group. It has played an important role in the stability and prosperity of the civilization. Almost everything of lasting value in humanity has its roots in the family. Peace and harmony in the family are important for the all-round development of children. This Compilation of Judgments of the Supreme Court of India and High Court of India by All India Legal Forum is aimed at bringing about desired sensitivity in all duty holders. We're glad to be a part of the All-India Forum. Here's an introduction to my team:

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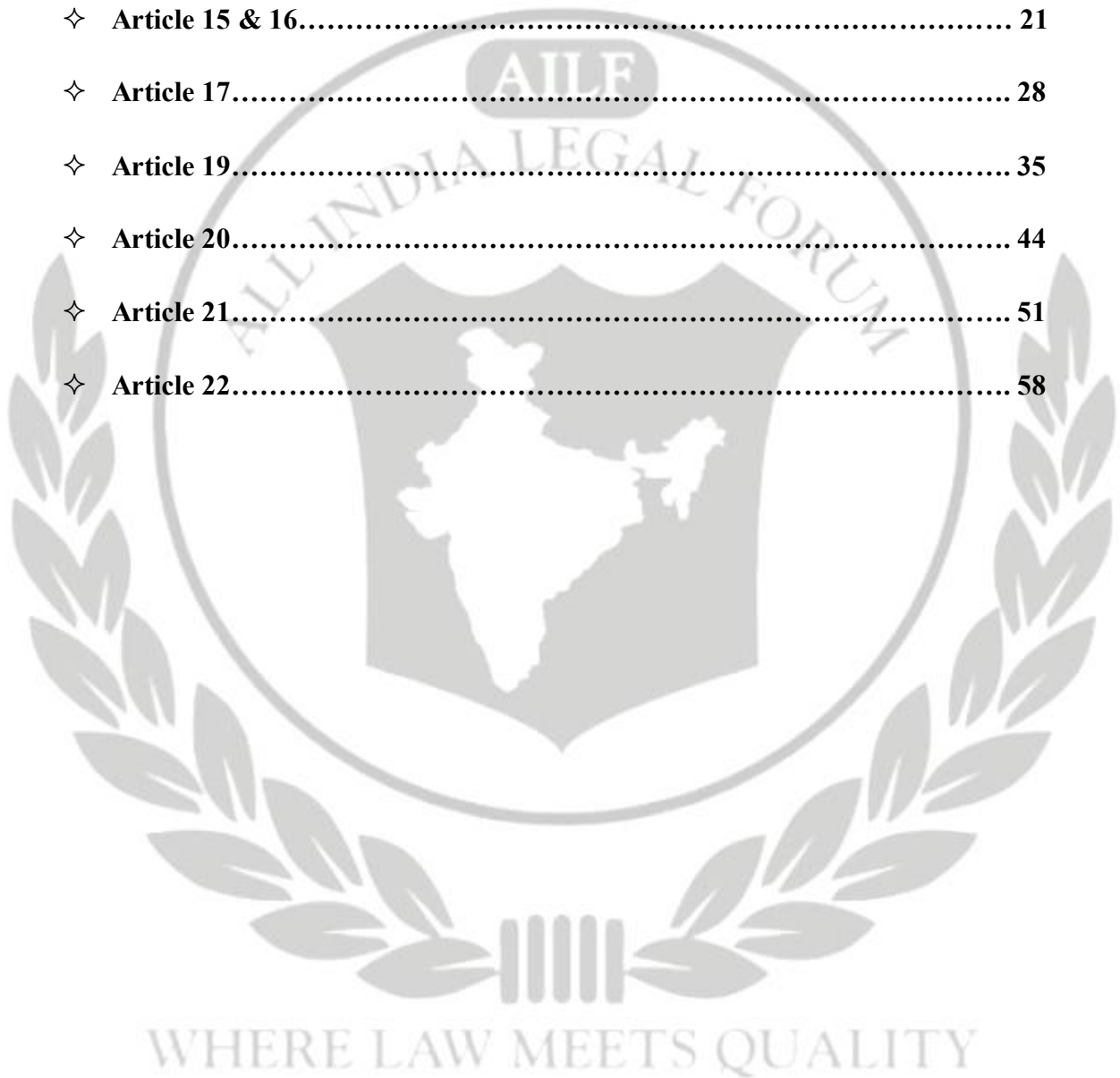
DISCLAIMER

Team AILF India has made all efforts to summarize the cases from original cases retrieved from AIR and SCC. In some cases, the team has tried to summarize cases from the available sources as they could not find original ones.



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ARTICLE 13

1) Judicial Review in the Constitution of India is based on

- A. Precedents and conventions
- B. Rule of law
- C. Due process of law
- D. Procedure established by law

Answer: D

Judicial Review is the power of Courts to pronounce upon the constitutionality of legislative and executive acts of the government which fall within their normal jurisdiction.

2) The makers of the Constitution of India adopted the concept of Judicial Review from

- A. Russia
- B. Germany
- C. US
- D. Australia

Answer: C

Judicial review was adopted by the constitution of India from judicial review in the United States.

3) Article 13 of Indian constitution uses the words "to the extent of such inconsistency be void." Under which doctrine this can be placed?

- A. Doctrine of lapse
- B. Doctrine of severability
- C. Doctrine of eclipse
- D. Doctrine of waiver

Answer: B

Article 13 of Indian constitution uses the words “to the extent of such inconsistency be void” which shows the applicability of Doctrine of Severability.

4) Which one of the following doctrines is not related to Article 13 of the Constitution ?

- A. Doctrine of Eclipse
- B. Doctrine of Colourable Legislation
- C. Doctrine Waiver
- D. Doctrine of Severability

Answer: B

Doctrine of Eclipse , Doctrine Waiver , Doctrine of Severability are related to Article 13.

5) The doctrine of prospective overruling was first evolved by Chief Justice Subba Rao in -

- A. Golaknath vs State of Punjab
- B. Sajjan Singh vs State of Rajasthan
- C. Keshwananda Bharti vs. state of Kerala
- D. Maneka Gandhi vs. Union of India

Answer: A

Doctrine of prospective overruling was first input in the landmark case of golaknath v. State of Punjab

6) The doctrine of eclipse applies to

- A. only to pre constitutional law
- B. to post constitutional law but only in respect of non citizen
- C. to post constitutional law but only in respect of citizens
- D. to all laws pre- constitutional as well as post constitutional

Answer: D

The article 13 clause (1) make pre constitutional law and article 13 clause (2) to makes post constitutional law void to the extent of its inconsistency or contravention.

7) In which one of the following cases it was held by the supreme court that fundamental rights cannot be waived -

- A. Bahra Khurshid Pesikaka vs State of Bombay
- B. Basheshar Nath vs. Income Tax commissioner
- C. Oliga tellis vs Bombay municipal corporation
- D. All of the above

Answer: D

All of these cases are related to infringement of fundamental rights and upheld that fundamental rights can never be waived.

8) Which of the following relates to doctrine of eclipse -

- A. Bhikaji vs State of MP
- B. Keshav Madhav Menon vs. State of Kerala
- C. State of Bihar vs Syed Asad Raja
- D. HarbAnswer Singh vs State of UP

Answer: A

The doctrine of eclipse was occurred in Bhikaji vs State of MP.

9) The objective of article 13 is to -

- A. secure Paramountcy to the fundamental rights
- B. Limit the legislative powers of state
- C. define the word “law”
- D. expand the powers of the court

Answer: A

The main objective of article 13 is to secure the paramountcy of fundamental rights because it declares all laws void that are inconsistent with the fundamental rights.

10) In which of the following cases did the Supreme Court hold that an amendment of the Constitution under Article 368 was ‘law’ within the meaning of Article 13:

- A. Golaknath v. State of Punjab
- B. Sajjan Singh v. State of Rajasthan
- C. Shankari Prasad v. Union of India
- D. Keshvananda Bharti v. State of Kerala.

Answer: A

In *Golaknath v. State of Punjab*, it was held that Amendment is included as law under Article 13.

11) The term “law in force” in clause (3) of Article 13:

- A. only statutory law
- B. customs and usages only
- C. both (a) & (b)
- D. newly formed public order only.

Answer: C

The expression 'law' which is used in Article 13 has been given a wider connotation so as to include any ordinance, order, bye-laws, rule, regulation, notification, custom or usage having in the territory of India the force of law.

12) Under Article 13 (1) pre-Constitution laws:

- A. become completely void
- B. not void
- C. become void (from the date of the commencement of the Constitution) insofar as they are inconsistent with the fundamental rights
- D. None of the above.

Answer: C

Before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void.

13) Article 13 (2):

- A. includes law amending the Constitution
- B. does not include a law amending the Constitution
- C. states that the State shall not make any law which takes away or abridges the fundamental rights
- D. none of the above.

Answer: C

The State shall not make any law which takes away or abridges the right conferred by this Part and any law made in contravention of this clause shall, to the extent of contravention, be void

14) The fundamental rights have:

- A. retrospective effect
- B. have no retrospective effect under Article 13(1) or 13(3)(b)
- C. have only future effect
- D. none of the above.

Answer: B

15) Which Article is related to Equality before law?

- A. Art. 13
- B. Art. 14
- C. Art. 15
- D. Art. 16

Answer: B

The right to equality is provided under Article 14.

16) Judicial Review in the Constitution of India is based on

- A. Precedents and conventions
- B. Rule of law
- C. Due process of law
- D. Procedure established by law

Answer: D

In India, Judicial review is based on the "procedure established by Law" and in America, it is based on "due process of law".

17) Judicial Review function of the Supreme Court the power to

- A. Review the functioning of judiciary in the country
- B. Undertake periodic review of the Constitution.
- C. Examine the constitutional validity of the laws
- D. Review its own judgement**

Answer: C

Judicial Review function of the Supreme Court the power to examine the constitutionality of Laws.

18) Judicial Review signifies that the Supreme Court

- A. Can impeach the President
- B. Can declare a state law as unconstitutional

C. Can review cases decided by the High Courts.

D. Has final authority over all cases

Answer: C

Judicial review signifies that the supreme court Can review cases decided by the High Courts can declare a state law as unconstitutional.

19) In whom are the powers of Judicial Review vested in India ?

A. All the courts

B. Supreme Court and all the High Courts

C. President

D. Parliament

Answer: B

Power of judicial review over legislative action vested in the High Courts under Article 226 and in the Supreme Court under Article 32.

20) Which of the following amendments curtailed the power of Judicial review of the Supreme Court and the High Court ?

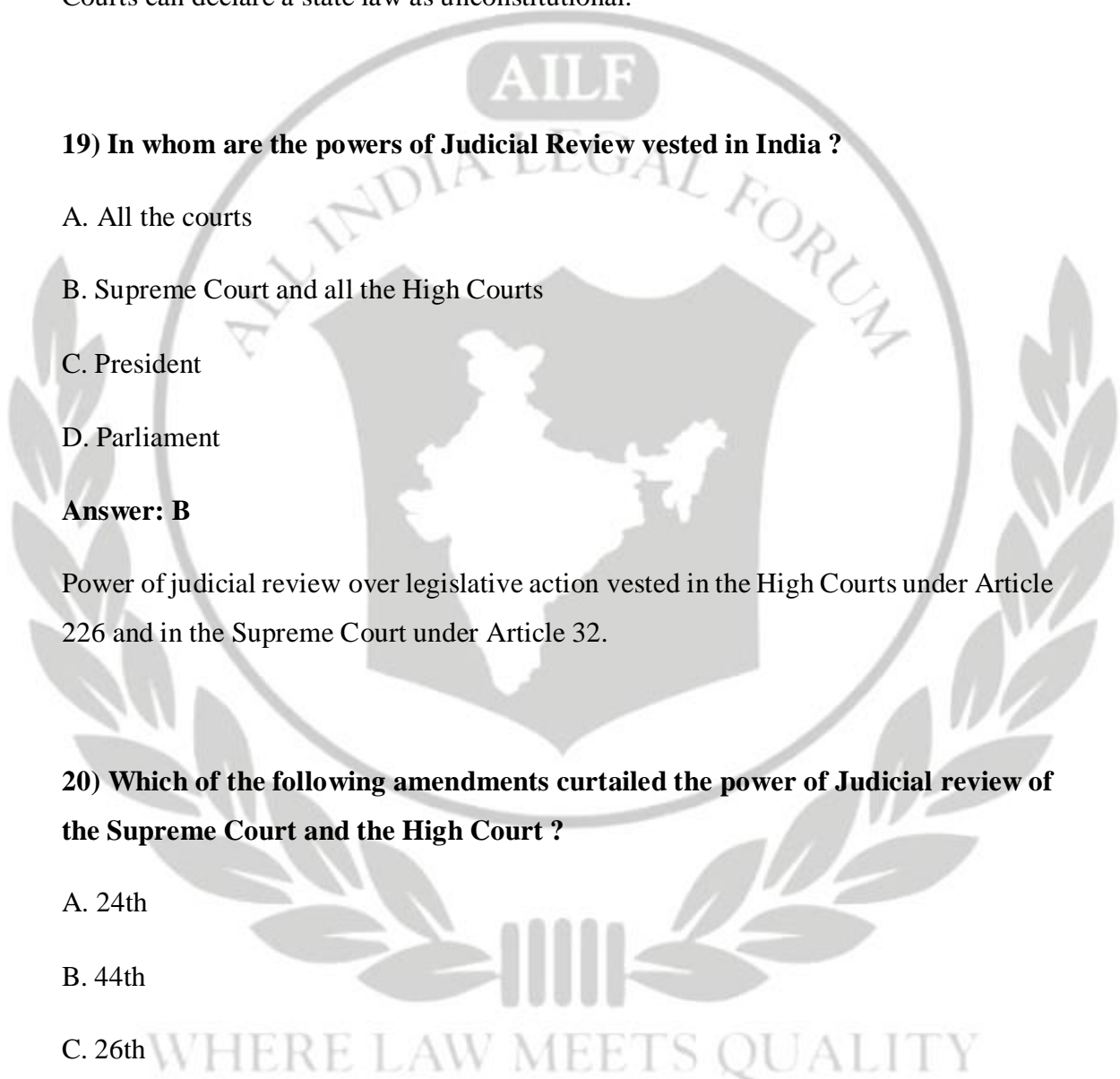
A. 24th

B. 44th

C. 26th

D. 42nd

Answer: D



The 42nd Constitution Amendment Act, 1976 was passed during the emergency. This amendment attempted to curtail the power of judicial review of the Supreme Court and High court by excluding from their purview any matter of elections.



ARTICLE 14

1) Is Article 14 an absolute right?

- A. Yes
- B. No

Answer- A

2. Can we amend Article 14?

- A. Yes
- B. No

Answer- B

Law under Article 14 is included in Basic Structure of the constitution that's why it can't be amended

3. Article 14 is available to-

- A. citizens
- B. foreigners
- C. Both (a) and (b)
- D. None of them

Answer- C

The Article 14 is given to both citizens and foreigners.

4. Golden triangle of fundamental rights refers to-

- A. article 14, 15 and 16

B. Article 14, 16 and 17

C. Article 14, 19 and 21

D. Article 15, 17 and 21

Answer- C

5. Article 14 is in which part of the Indian Constitution?

A. Part IV

B. Part V

C. Part III

D. Part II

Answer- C

6. “The guarantee of equality before the law is an aspect of the rule of law in England”. This is opinion of-

A. Dicey

B. Salmond

C. K.C Wheare

D. Jennings

Answer- A

7. Right to equality before law is given under which article of Indian constitution?

A. Article 15

B. Article 14

C. Article 16

D. Article 18

Answer- B

8. Article 14 permits classifications but prohibits class legislation. But classification must not be arbitrary, artificial as held by SC in-

- A. A.K gopalan v. State of Madras
- B. Maneka Gandhi v. Union of India
- C. State of west Bengal v. Anwar ali Sarkar
- D. Kharak singh v. state of U.P

Answer- C

9. “Prohibition of employment of any man under the age of 25 years and any women in any part of such premises in which any liquor or intoxicating drug is consumed by the public is constitutional.” It was held in-

- A. Anurag garg v. Hotel association of India
- B. K. Rajendaran v. state of tamil nadu
- C. Payal sharma v. Nari nicketan
- D. C.B Bharucha v. Excise commissioner

Answer- A

WHERE LAW MEETS QUALITY

10. Which of the following fundamental right is available to all persons:

- A. Right to form associations
- B. Right to equality before law
- C. Freedom of speech and expression

D. Right to move freely

Answer- B

11. The expression equal protection of law in Article 14 is taken from:

A. British Constitution

B. American constitution

C. Australian constitution

D. None of the above

Answer- B

12. Indicate the incorrect Answers- The benefit of article 14 is

A. Available to a foreigner residing in India

B. Available to private company

C. Available against private company

D. Available against the uoi

Answer- D

13. In which of the case the new concept of doctrine of equality i.e. ‘protection against arbitrariness’ was propogandist by J. Bhagwati?

A. Air India v. N. Mirza

B. Pardeep Jain v. UOI

C. E.P Royappa v State of Tamil Nadu

D. D.K Bakshi v. UOI

Answer- C

14. Does Article 14 apply to non-citizens?

- A. Yes
- B. No

Answer- A

15. Which of the following is not a fundamental right?

- A. right to work
- B. right to equality
- C. right to form association
- D. right to move freely

Answer- A

16. Features of Equality-

- A. Equality does not mean absolute equality
- B. Equality absence of all unjust and unnatural inequality
- C. None of the above
- D. Both (a) and (b)

Answer- D

17. Article 14 Constitute-

- A. Equal before law
- B. Equal protection before the law

- C. Both (a) and (b)
- D. None of the above

Answer- C

18. Exception to Article 14-

- A. Ineligible Differentia
- B. Rational nexus
- C. Both (a) and (b)
- D. None of the above

Answer- C

19. “No person who is doing any illegal act can ask for protection under article 14.”

It was held in-

- A. Baliram Prasad singh v. state of bihar
- B. maneka Gandhi v. UOI
- C. None of the above

Answer- A

20. Equal protection of law is a-

- A. Positive concept
- B. Negative concept
- C. None of the above

Answer- A

1. Which one of the following right of Indian Constitution guarantees all the fundamental rights to every resident of a country?

- A. Right against exploitation
- B. Right to freedom
- C. Right to equality
- D. Right to constitutional remedies

Answer: D

2. Which one of the following is true with respect to the Fundamental Rights of Indian Constitution?

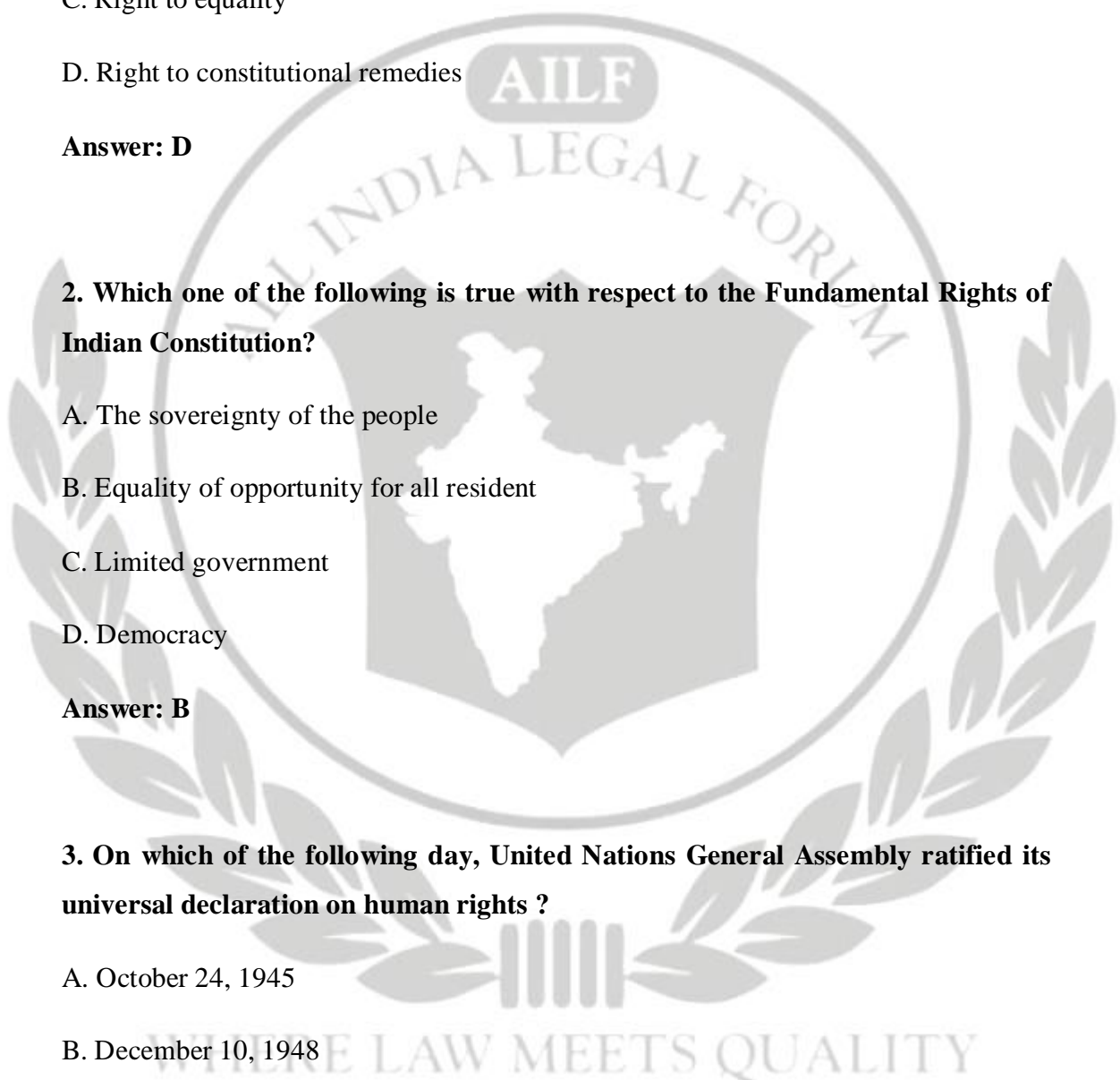
- A. The sovereignty of the people
- B. Equality of opportunity for all resident
- C. Limited government
- D. Democracy

Answer: B

3. On which of the following day, United Nations General Assembly ratified its universal declaration on human rights ?

- A. October 24, 1945
- B. December 10, 1948
- C. December 16, 1966
- D. April 25, 1995

Answer: B



4. Which part of the Indian Constitution deals with Fundamental Rights?

- A. Part I
- B. Part II
- C. Part III
- D. Part IV

Answer: C

5. Which one of the following is the guardian of Fundamental Right?

- A. Legislature
- B. Executive
- C. Political parties
- D. Judiciary

Answer: D

6. In the Indian Constitution the Right Equality is granted by five Article. They are:

- A. Article 13 to Article 17
- B. Article 14 to Article 18
- C. Article 15 to Article 19
- D. Article 16 to Article 20

Answer: B



7. Which Fundamental Right has been deleted from our Constitution through a Constitutional Amendment?

- A. Right to equality
- B. Right to freedoms
- C. Right to property
- D. Right to education

Answer: C

8. Which of the following sought to change the character of Indian Government from unitary to federal:

- A. Government of India Act, 1919
- B. Government of India Act, 1935
- C. Indian Council Act, 1909
- D. Indian Independence Act, 1947

Answer: B

9. Constitution of India came into effect from?

- A. 15 January 1950
- B. 26 January 1950
- C. 15 August 1950
- D. 15 January 1950

Answer: B

10. Which Act was passed to consolidate the provisions of the preceding Government of India Acts?

- A. Government of India Act, 1858
- B. Government of India Act, 1861
- C. Government of India Act, 1892
- D. Government of India Act, 1915

Answer: D

11. The fundamental duties are included in the constitution by which of the following act?

- A. 40th amendment act
- B. 44th amendment act
- C. 43rd amendment act
- D. 42nd amendment act

Answer: D

12. In which part of the Indian Constitution, the Fundamental rights are provided?

- A. Part II
- B. Part III
- C. Part V
- D. Part IV

Answer: A

13. Which Act divided legislative powers between the Centre and Provinces?

- A. Government of India Act, 1935
- B. Government of India Act, 1919

C. Government of India Act, 1892

D. Government of India Act, 1861

Answer: A

14. Which Articles in the Constitutions grants us the Right to Equality?

A. Article 14-18

B. Article 23-24

C. Article 32

D. Article 368

Answer: A

15. Which Article is related to discrimination?

A. Art. 13

B. Art. 14

C. Art. 15

D. Art. 16

Answer: C

16. Clause (4) of Article 15 has been added to the Constitution by

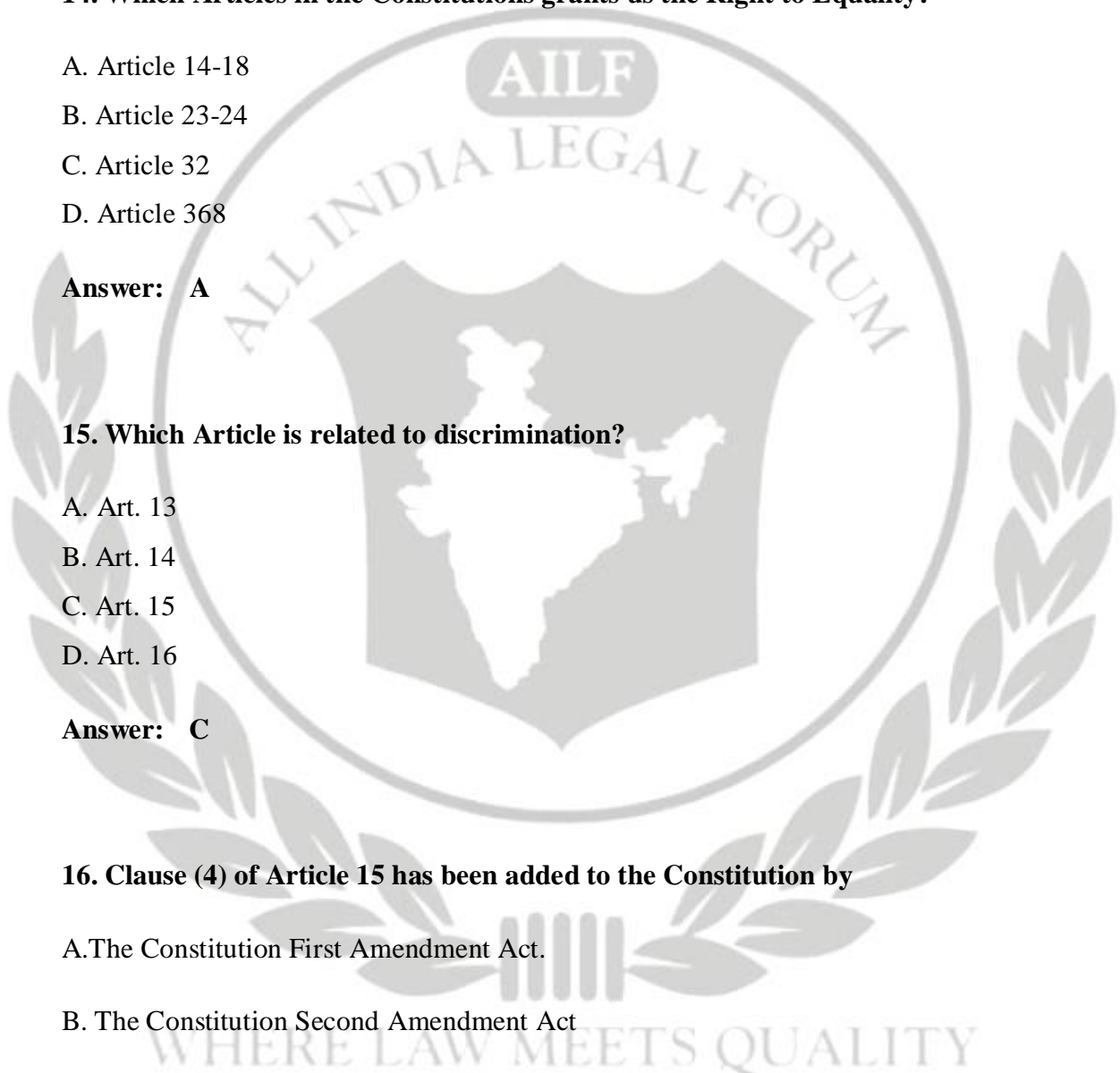
A. The Constitution First Amendment Act.

B. The Constitution Second Amendment Act

C. The Constitution Fourth Amendment Act.

D. The Constitution Sixth Amendment Act

Answer: A



17. Article 15(1) prohibits discrimination against any citizen on the grounds of

- A. Religion, race and caste only.
- B. Religion, caste and sex only
- C. Religion, caste, sex and place of birth only.
- D. Religion, race, caste, sex, place of birth or any of them.

Answer: D

18. Which Article is for equal opportunity?

- A. Article 16
- B. Article 23
- C. Article 22
- D. Article 21

Answer: A

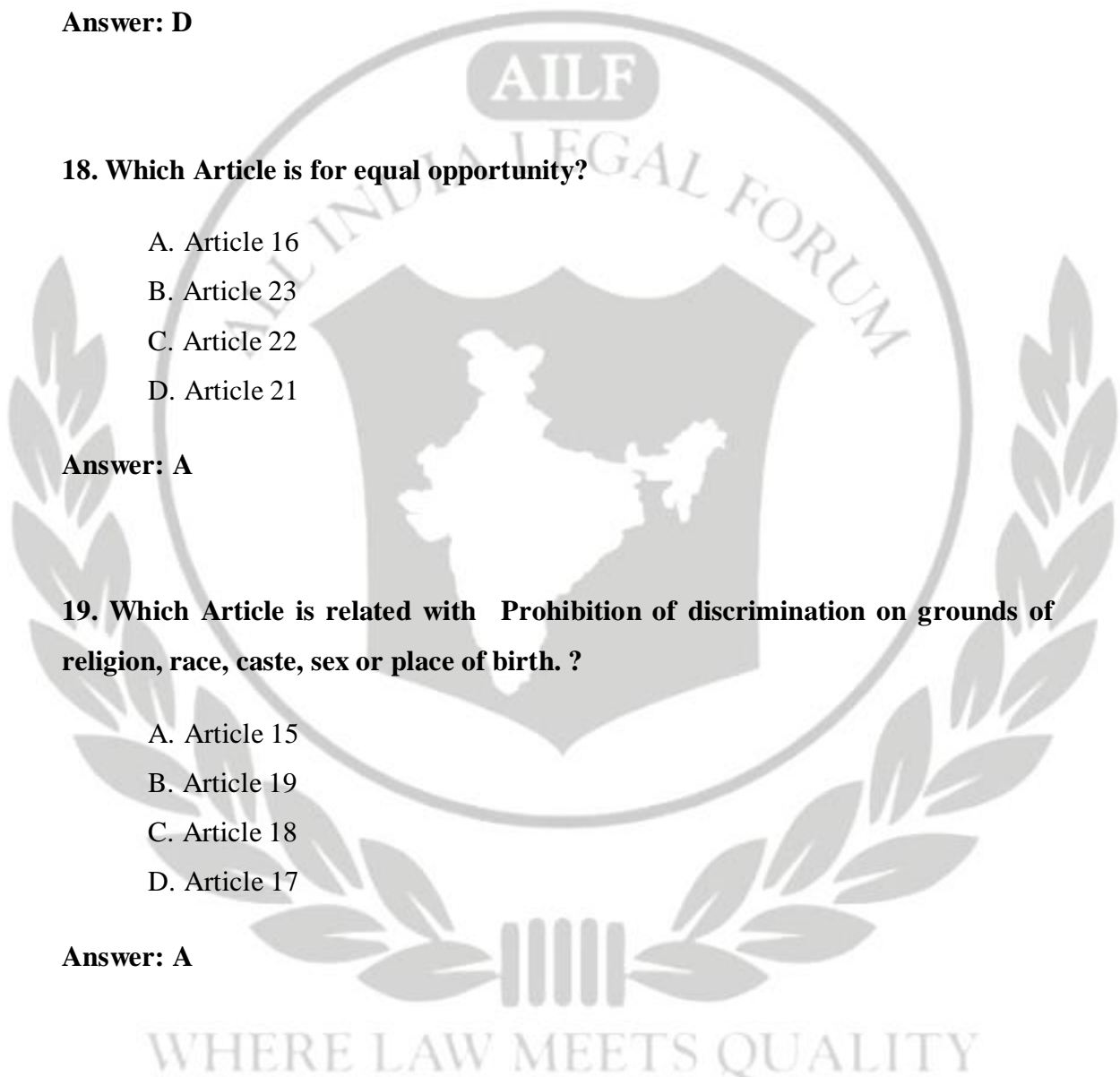
19. Which Article is related with Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth. ?

- A. Article 15
- B. Article 19
- C. Article 18
- D. Article 17

Answer: A

20. The fundamental duties are mentioned in which of the following?

- A. Part-IV A
- B. Part-IV
- C. Part-III



D. In schedule IV-A

Answer: B



ARTICLE 17

1. Article ___ read along with Article 17 confers on the Parliament the right to make laws prescribing punishment for practicing untouchability.

- A. Article 14
- B. Article 34
- C. Article 35
- D. Article 16

Answer C

2. The Untouchability (Offences) Act was enacted by the Parliament in?

- A. 1955
- B. 1956
- C. 1965
- D. 1945

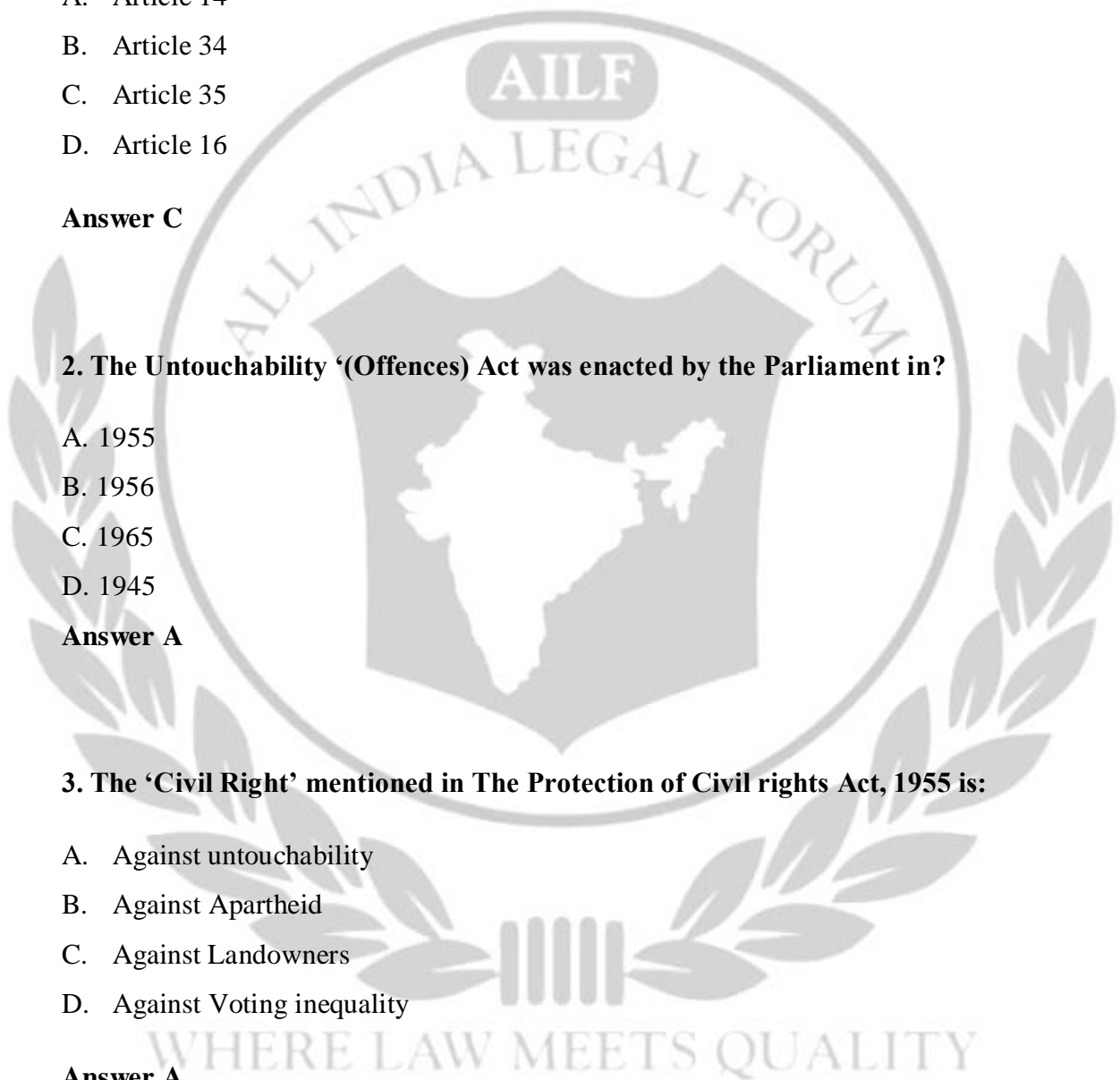
Answer A

3. The 'Civil Right' mentioned in The Protection of Civil rights Act, 1955 is:

- A. Against untouchability
- B. Against Apartheid
- C. Against Landowners
- D. Against Voting inequality

Answer A

4. Article 17 of the Indian Constitution deals with:



- A. Right to Vote
- B. Equality
- C. Right to practice any religion
- D. Untouchability

Answer D

5. The Draft of Article 17 was debated on?

- A. 27th November 1949
- B. 28th December 1949
- C. 26th November 1949
- D. 29th November 1949

Answer D

6. When was the Draft Article adopted?

- A. 29th November 1949
- B. 29th November 1948
- C. 27th November 1950
- D. 29th November 1949

Answer B

7. Consider the following statements:

1. Untouchability only includes religion based untouchability
2. Article 17 deals with untouchability
3. Untouchability includes untouchability against individuals with communicable diseases

- A. 1 & 2 are correct
- B. 2 & 3 are correct

- C. 1 & 3 are incorrect
- D. 1 & 2 are incorrect

Answer C

8. When did the Untouchability (Offences) Act come into force?

- A. 1st June 1945
- B. 1st June 1955
- C. 10th May 1955
- D. 11th May 1945

Answer B

9. The Punishment for untouchability is?

- A. 6 month imprisonment or fine of Rs 500
- B. 1 year imprisonment or fine of Rs 1000
- C. 2 year imprisonment or fine of Rs 10000
- D. 5 year imprisonment or fine of Rs 500

Answer A

10. Article 17 includes:

- A. Preventing a person from entering a temple
- B. Preventing a person from drawing water from sacred water bodies
- C. Preventing a person from using a public place
- D. All of the above

Answer D

11. The Untouchability (Offences) Act was revised on:

- A. Sep 2nd 1976
- B. Sep 3rd 1978
- C. Sep 4th 1976
- D. Sep 6th 1978

Answer A

12. Consider the following statements:

1. In repeated cases of offences of Untouchability the person will be sentenced to jail
2. Untouchability Act was revised only once.
3. Untouchability act made willful negligence of complaints of untouchability by investigating officers as tantamount to abetment.

- A. 1 & 2 are correct
- B. 1 & 3 are correct
- C. 2 & 3 are correct
- D. All are correct

Answer D

13. In which case did the Rajasthan High Court define the word 'Untouchability'?

- A. Jai Singh Vs UOI
- B. Prabhath Singh Vs Khushwant Singh
- C. Rup Kaur Vs UOI
- D. None of the above

Answer A

14. In which case did the Madras High Court define 'Untouchability'?

- A. Devrajiah Vs B. Padmana
- B. Selvi Vs Aranmukham
- C. Rukmini Raju Vs State of Tamil Nadu
- D. None of the above

Answer A

15. Consider the following statements:

1. The term 'Untouchability' is not defined in the Constitution.
2. Article 17 includes social disabilities which is imposed on certain classes by reason of their birth
3. Communicable disease affected persons are mentioned under Article 17

- A. 1 & 2 are correct
B. 2 & 3 are correct
C. 2 & 3 are incorrect
D. None of the above

Answer A

16. In ___ case the Hon'ble Supreme Court held that protection provided under Article 15 & 17 is available against both state and private individual.

- A. State of Karnataka Vs Appa Balu Ingale
B. People Union for Democratic Rights Vs Union of India
C. Devrajaih Vs Padmanabha
D. None of the above

Answer B

17. In which case did the Hon'ble Supreme Court say that the objective of Article 17 is to abolish all form of untouchability?

- A. State of Karnataka Vs Appa Balu Ingale
B. People Union for Democratic Rights Vs Union of India
C. Devrajaih Vs Padmanabha
D. None of the above

Answer A

18. Article 17 comes under which part of the Constitution of India ?

- A. Part I
- B. Part II
- C. Part III
- D. Part IV

Answer: C

Q19. 'Untouchability is abolished and its practice in any form is forbidden' is the essence of which of the following Articles of the Indian Constitution?

- A. Article 14
- B. Article 15
- C. Article 16
- D. Article 17

Answer D

20. Which social evil was abolished under Article 17 of the Constitution of India?

- A. Sati
- B. Child Marriage
- C. Untouchability
- D. Feoticide

Answer C



ARTICLE 19

1) Article 19 of the Constitution of India contains

- (a) 9 Fundamental Freedoms
- (b) 8 Fundamental Freedoms
- (c) 7 Fundamental Freedoms
- (d) 6 Fundamental Freedoms

Answer - D

Article 19 provides six freedoms: 1. Freedom of speech and expression. 2. Assemble peacefully and without arms. 3. Form associations or unions. 4. Reside and settle in any part of the territory of India. 5. Move freely throughout the territory of India. 6. Practice any profession, or to carry on any occupation, trade or business

2) Which one of the following does not qualify for curtailing the freedom of speech and expression under Indian Constitution?

- a) Security of the state
- b) Public order, decency, morality
- c) Demand for autonomy
- d) Contempt of Court

Answer C

The reasonable restrictions are grounds which permit limitations to be placed on the exercise of speech and expression and are contained under Article 19 (2).

These include, a) Security of State; b) Friendly relations with foreign states; c) Public Order d) Decency or morality; e) Contempt of Court; f) Defamation g) Incitement to an offence; and h) Sovereignty and integrity of India

3) Right to Property is now a

- a) Legal Right

- b) Fundamental Right
- c) Executive Law
- d) Directive Principle

Answer A

The Indian Constitution does not recognize property right as a fundamental right. In the year 1977, the 44th amendment eliminated the right to acquire, hold and dispose of property as a fundamental right. However, in another part of the Constitution, Article 300A was inserted to affirm that no person shall be deprived of his property save by authority of law. The result is that the right to property as a fundamental right is now substituted as a statutory right. The amendment expanded the power of the state to appropriate property for social welfare purpose.

4) Freedom of expression is included in the article-

- (a) 15
- (b) 19
- (c) 21
- (d) 22

Answer – B

Article 19 provides six freedoms: 1. Freedom of speech and expression. 2. Assemble peacefully and without arms. 3. Form associations or unions. 4. Reside and settle in any part of the territory of India. 5. Move freely throughout the territory of India. 6. Practice any profession, or to carry on any occupation, trade or business

5) Which one of the following has been wrongly shown as freedom granted under the Right to Freedom?

- (a) Freedom to assemble peacefully without arms.
- (b) Freedom to profess, practice and propagate any religion.

- (c) Freedom to reside and settle in any part of the country .
- (d) Freedom of profession, occupation, trade or business.

Answer –B

Freedom to profess, practice and propagate any religion is provided under Article 25.

6) Which one of the following has been omitted from the list of freedom by the Forty Fourth Amendment?

- (a) Freedom of association .
- (b) Freedom of residence and settlement.
- (c) Freedom of movement throughout the territory of India.
- (d) Freedom of acquiring, holding and disposing of property.

Answer –D

In the year 1977, the 44th amendment eliminated the right to acquire, hold and dispose of property as a fundamental right.

7) Which of the following Articles was formerly known as the Article of Freedom

- (a) Article 15
- (b) Article 17
- (c) Article 19
- (d) None of them.

Answer – C

Article 19 provides six freedoms: 1. Freedom of speech and expression. 2. Assemble peacefully and without arms. 3. Form associations or unions. 4. Reside and settle in any part of the territory of India. 5. Move freely throughout the territory of India. 6. Practice any profession, or to carry on any occupation, trade or business

8) The right to impart and receive information is guaranteed in the Constitution of India by Article:

- a) 19 (2) A
- b) 19 (16)
- c) 19 (2)
- d) 19 (1) A

Answer D

Article 19 in the Constitution of India 1949)- Protection of certain rights regarding freedom of speech etc., 1. All citizens shall have the right a) To freedom of speech and expression; b) To assemble peaceably and without arms; c) To form associations or unions; d) To move freely throughout the territory of India; (e) To reside and settle in any part of the territory of India; and (f) omitted (g) To practice any profession, or to carry on any occupation, trade or business

9) Article 19 provides six freedoms, which is not among them?

- a) Freedom of speech and expression.
- b) Assemble peacefully and without arms
- c) Form associations or unions
- d) Reside and settle in any part of your state only.

Answer D

Article 19 provides six freedoms: 1. Freedom of speech and expression. 2. Assemble peacefully and without arms. 3. Form associations or unions. 4. Reside and settle in any part of the territory of India. 5. Move freely throughout the territory of India. 6. Practice any profession, or to carry on any occupation, trade or business.

10) Which article was known as 'seven freedoms' in our constitution

- a) Art. 17
- b) Art. 32

- c) Art. 19
- d) Art.18

Answer C

Article 19 provides six freedoms: 1. Freedom of speech and expression. 2. Assemble peacefully and without arms. 3. Form associations or unions. 4. Reside and settle in any part of the territory of India. 5. Move freely throughout the territory of India. 6. Practice any profession, or to carry on any occupation, trade or business

11. In which of the following case/s the six rights guaranteed by article 19 can be suspended?

- 1. External Aggression.
 - 2. Internal Emergency.
 - 3. When Martial Law is in force.
-
- A. 1 only.
 - B. 2 & 3 only.
 - C. 1 & 3 only.
 - D. 1, 2 & 3.

Answer. C

Article 19 can be suspended only in case of proclamation on the ground of war or external aggression.

12. Which of the following right has not been laid down under Article 19 of the Constitution?

- A) Freedom of speech and expression
- B) Freedom of Association
- C) Freedom of Assembly
- D) Freedom of minorities to open their educational institutions

Answer – 4

Freedom of minorities to open their educational institutions is provided under Article 30.

13. The Golden Triangle of Fundamental Rights refers to

- A) Articles 14, 19 and 21
- B) Articles 14, 19 and 32
- C) Article 19, 21 and 32
- D) Article 14, 21 and 32

Answer – A

The concept of Golden Triangle was evolved in Maneka Gandhi v. UOI.

14) On which one of the following freedoms, can reasonable restrictions be imposed on the ground of the security of the state?

- a) Speech and expression
- b) Peaceful assembly
- c) Association or union
- d) Movement

Answer: A

Art 19(2) impose reasonable restrictions on the right to freedom of speech.

15) In accordance with the text of the Constitution, a reasonable restriction in the interest of 'sovereignty and integrity' of India can be imposed on the right to:

- A. Freedom of speech and expression
- B. Move freely throughout the territory of India
- C. Reside and settle in any part of the territory of India
- D. Carry on any occupation, trade or business

Answer: A

The reasonable restrictions are grounds which permit limitations to be placed on the exercise of speech and expression and are contained under Article 19 (2).

These include, a) Security of State; b) Friendly relations with foreign states; c) Public Order d) Decency or morality; e) Contempt of Court; f) Defamation g) Incitement to an offence; and h) Sovereignty and integrity of India

16) Which one of the under mentioned rights is guaranteed to citizens as right to freedom under Article 19?

- A. The right to vote
- B. The right to citizenship
- C. The right to contest an election
- D. The right to assemble peaceably and without arms

Answer: D

Article 19 provides six freedoms: 1. Freedom of speech and expression. 2. Assemble peacefully and without arms. 3. Form associations or unions. 4. Reside and settle in any part of the territory of India. 5. Move freely throughout the territory of India. 6. Practice any profession, or to carry on any occupation, trade or business

17) Right to form association includes –

- A. Right not to be a member of an association
- B. Right to get recognition of an association
- C. Both
- D. None of the above

Answer –C

18) A law violating Article 19(1)(G) can be enforced against :

- A. Any person

- B. None
- C. A non-citizen
- D. A citizen

Answer – B

A law violating Article 19(1)(G) can be enforced against state.

19) What is imperative to show the requisite respect to the National Anthem ?

- A. Sing and stand respectfully
- B. Stand respectfully
- C. Sing the same
- D. To bow

Answer – B

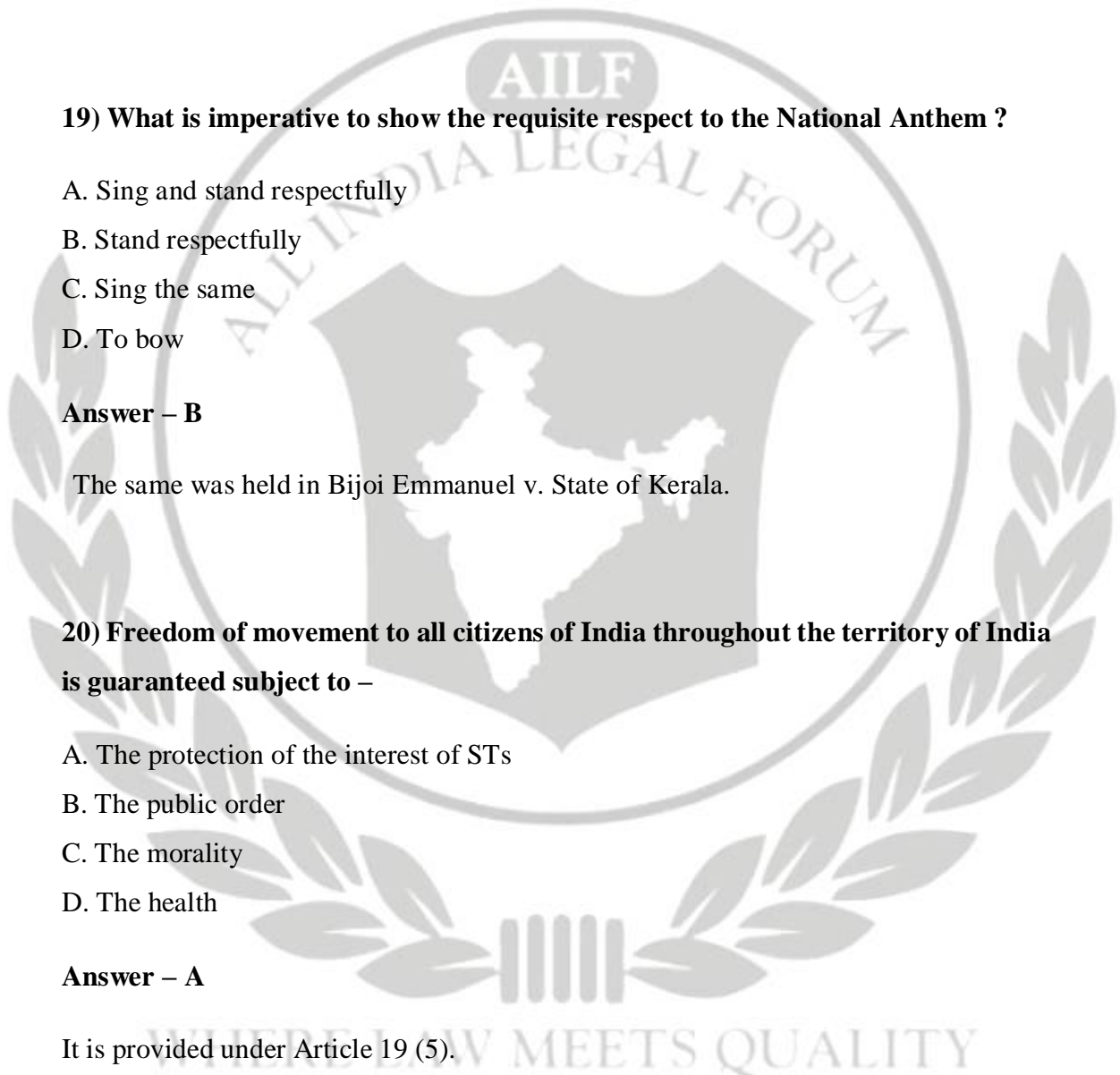
The same was held in *Bijoi Emmanuel v. State of Kerala*.

20) Freedom of movement to all citizens of India throughout the territory of India is guaranteed subject to –

- A. The protection of the interest of STs
- B. The public order
- C. The morality
- D. The health

Answer – A

It is provided under Article 19 (5).



ARTICLE 20

1. Protection against conviction of offence is given under which Article of Indian constitution?

- a. Article 22
- b. Article 20
- c. Article 25
- d. None of the above

Answer- B

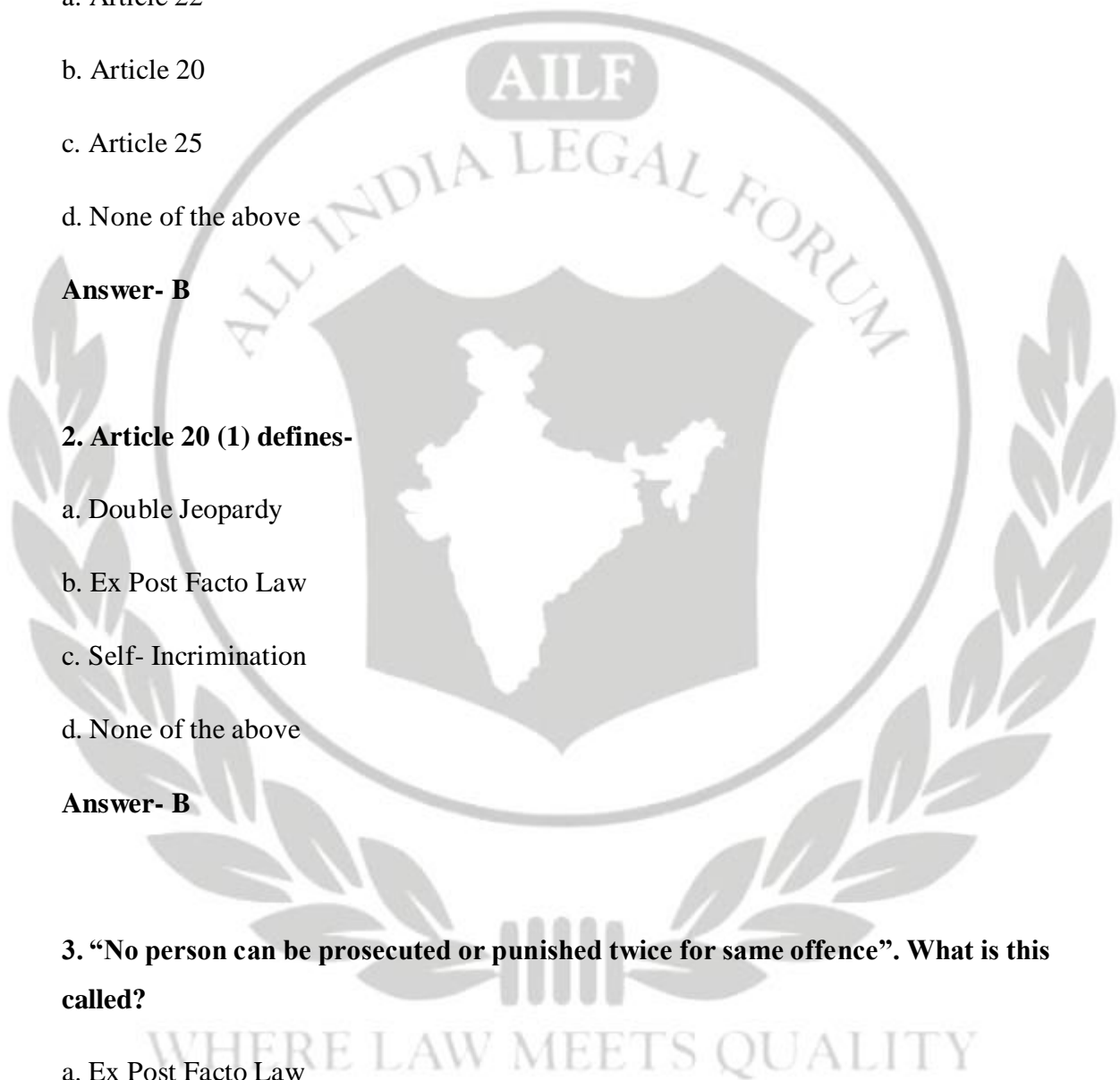
2. Article 20 (1) defines-

- a. Double Jeopardy
- b. Ex Post Facto Law
- c. Self- Incrimination
- d. None of the above

Answer- B

3. “No person can be prosecuted or punished twice for same offence”. What is this called?

- a. Ex Post Facto Law
- b. Self- Incrimination
- c. Double Jeopardy
- d. None of the above



Answer- C

4. Double Jeopardy is defined under-

- a. Article 20(1)
- b. Article 20(2)
- c. Article 20(3)
- d. None of the above

Answer- B

5. “Article 20(2), deals exclusively with Judicial punishments and provides that no person is prosecuted twice by the judicial authorities”. It was stated in which case by the Supreme Court of India?

- a. Venkataraman v. UOI
- b. Maqbool Hussain v. State of Bombay
- c. A.A Mulla v. State of Maharashtra
- d. None of the above

Answer- A

6. In which case Supreme Court of India stated that a person can be prosecuted if the facts are different of the case or the offence is distinct from previous offence?

- a. Venkataraman v. UOI
- b. Maqbool Hussain v. State of Bombay
- c. A.A Mulla v. State of Maharashtra
- d. None of the above

Answer- C

7. Article 20 is given under which part of the Constitution?

- a. Part II
- b. Part IV
- c. Part IX
- d. Part III

Answer- D

8. Article 20(3) defines-

- a. Ex Post Facto Law
- b. Double Jeopardy
- c. Self- Incrimination
- d. None of the above

Answer- C

9. Article 20(2) defines-

- a. Double Jeopardy
- b. Self- Incrimination
- c. Ex Post Facto Law
- d. None of the above

Answer- A



10. “The Supreme Court of India observed that, whenever an act is declared as a criminal offence and/or provides penalty for same by the legislature, it is always prospective in nature and can’t be implemented retrospectively to uphold what is being said under Article 20(1)”. In which case it this was said?

- a. Kedar Nath v. State of west Bengal
- b. Mohan lal v. state of Rajasthan
- c. Ratan lal v. State of Punjab
- d. None of the above

Answer- A

11. “ The Apex court of India observed that Article 20(1) also includes the rule that there will be no retrospective infliction of penalties heavier than those existing ones at the time of commencement of the offence”. In which case this was discussed?

- a. Ratan lal v. State of Punjab
- b. Maru Ram ETC. v. Union of India & Anr
- c. Mohan lal v. state of rajasthan
- d. None of the above

Answer- B

12. “The Hon’ble Supreme Court allowed for such retrospective implementation of Criminal Laws, where the issue pertinent is, reduction of punishment in the said offence”. In which case this was discussed?

- a. Mohan lal v. State of Rajasthan
- b. Maru Ram v. UOI
- c. Ratan lal v. State of Punjab

d. None of the above

Answer- C

13. Maxim “Nemo debet bis vexari pro una et eadem causa” is related to-

- a. Double Jeopardy
- b. Ex Post Facto Law
- c. Self- Incrimination
- d. None of the above

Answer- A

14. Double Jeopardy can be traced from-

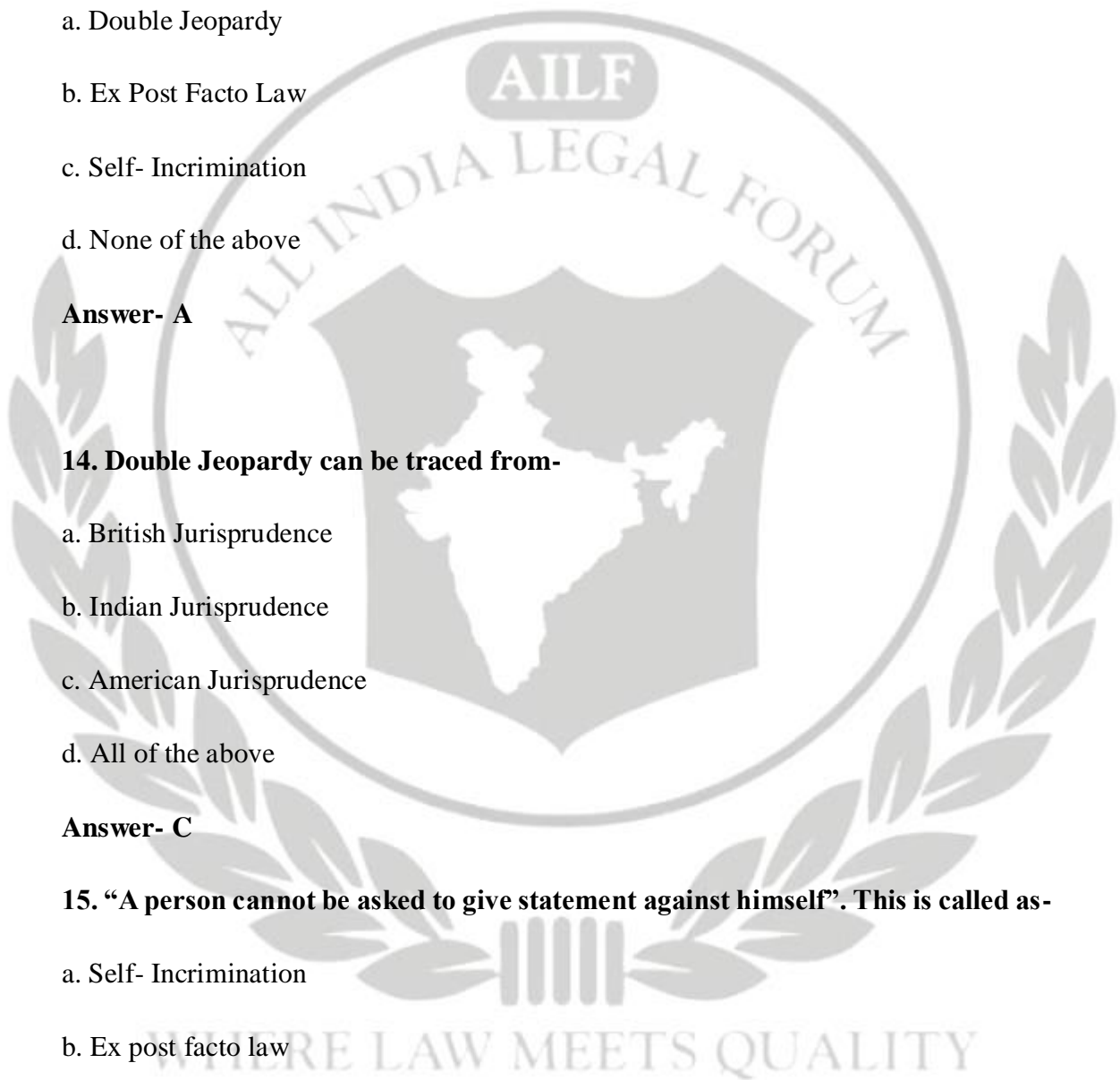
- a. British Jurisprudence
- b. Indian Jurisprudence
- c. American Jurisprudence
- d. All of the above

Answer- C

15. “A person cannot be asked to give statement against himself”. This is called as-

- a. Self- Incrimination
- b. Ex post facto law
- c. Double Jeopardy
- d. None of the above

Answer- A



16. Self- Incrimination is based on the maxim-

- a. Nemo tenetur prodere accusare seipsum
- b. Nemo debet bis vexari pro una et eadem causa
- c. Both (a) and (b)
- d. None of the above

Answer- A

17. “ A new law cannot punish an old act”. This sentence is related to-

- a. Self- Incrimination
- b. Double Jeopardy
- c. Ex Post Facto Law
- d. None of the above

Answer- C

18. Rule of Beneficial Construction was given under-

- a. Rattan lal v. State of Punjab
- b. Maru ram v. UOI
- c. Shiv Dutt v UOI
- d. None of the above

Answer- A

19. “Nemo debet bis vexari” means-

- a. a man must not be put twice in peril for the same offence

b. no one can be forced to give statement against himself

c. no one can be punished by new law for old act

d. None of the above

Answer- A

20. Can Article 20 be suspended during emergency?

a. Yes

b. No

Answer- B



ARTICLE 21

1. Which of the following statements regarding protection of personal liberty is/are found to be correct?

- I. The object of Article 21 of the Indian Constitution is to prevent encroachment upon personal liberty by the Executive save in accordance with law and in conformity with the provisions thereof.
 - II. Before a person is deprived of his life or personal liberty the procedure established by law must be strictly followed and must not be departed from to the disadvantage of the person affected.
- A. I and II
 - B. Only I
 - C. Only II
 - D. None of above

Answer. A

2. The protection of the Article 21 extends to which of the following?

- A. Citizens
- B. All persons
- C. Foreigners
- D. Persons under imprisonment

Answer. B

3. Which of the following can be included in Right to life under Article 21 of the Indian Constitution?

- I. Right of a person not to be subjected to bonded labour or to unfair conditions of labour.
- II. Right of a bonded labourer to rehabilitation after release.
- III. Right to a decent environment and a reasonable accommodation.

- A. I, II and III
- B. I and II
- C. II and II
- D. I and III

Answer. A

3. In which of the cases, domiciliary visit by the Police without the authority of a law, was held to be violative of Article 21 of the Indian Constitution assuming that a right of privacy was a fundamental right derived from the freedom of movement guaranteed by Article 19 (1) D of the Indian Constitutional as well as personal liberty guaranteed by Article 21?

- A. Dr. Sudesh Jale v. State of Haryana
- B. Kharak Singh v. State of U.P
- C. Govind v. State of M.P
- D. Neera Mathur v. L.I.C

Answer. B

5. Which of the following statements regarding reasonable-ness of a penal law is/are found to be correct?

- I. A procedure which was 'arbitrary, oppressive or fanciful' was no 'procedure' at all.
 - II. A procedure which was unreasonable could not be said to be in conformity with Article 14, because the concept of reasonableness permeated that Article in toto.
- A. I and II
 - B. Only I
 - C. Only II
 - D. None of them

Answer:- A

6. 'Protection against arrest and detention in certain cases' is mentioned in which of the following Articles of the Indian Constitution?

- A. Article 21
- B. Article 21 A
- C. Article 22
- D. Article 22 A

Answer:- C

7. Which of the following statements is/are found to be correct?

- I. The person arrested has a right to consult a legal advisor of his own choice, ever since the moment of his arrest and also to have effective interview with the lawyer out of the hearing of the police, though it may be within their presence.
 - II. The right extends to any person who is arrested, whether under the general law or under a special statute.
- A. Only I
 - B. Only II
 - C. I and II
 - D. None of them

Answer. C

8. The prohibition on human trafficking has been laid down in the Constitution in Article

- A).24
- B).22
- C).23

D).21

Answer:- C

9. The Golden Triangle of Fundamental Rights refers to

A).Articles 14, 19 and 21

B).Articles 14, 19 and 32

C).Article 19, 21 and 32

D).Article 14, 21 and 32

Answer:- A

10. Right to education was added as the fundamental right in the Constitution of India by adding

A). Article 31

B). Article 22A

C). Article 21A

D). Article 31 A

Answer:- C

11. For the first time Indian Legislature was made “Bi-cameral” under:

(A) Government of India Act, 1861

(B) Government of India Act, 1892

(C) Government of India Act, 1915

(D) Government of India Act, 1919

Answer:- C

12. Which Article is for “Protection against arrest and detention in certain cases”?

- (A) Article 24
- (B) Article 23
- (C) Article 22
- (D) Article 21

Answer:- C

13. Which of the following is not matched correctly?

- (A) Right to Equality: Article 14-18
- (B) Rights against exploitation: Article 20-22
- (C) Right to Religious Freedom: Article 25-28
- (D) Right to Cultural and Education freedom: Article 29-30

Answer. B

14. Which of the following articles cannot be null during the National Emergency?

- (A) Article 14 to 18
- (B) Article 19
- (C) Article 20,21
- (D) Article 29,30

Answer: C

15. Which of the following is not matched correctly?

- (A) Part I: Union and its Territories
- (B) Part II: Citizenship
- (C) Part III: Directive Principle and State Policy

(D) Part VI: State Governments

Answer: C

16. What is the meaning of “social equality” in the Indian Constitution?

- (A) Lack of opportunities
- (B) Lack of equality
- (C) Equal opportunities for all sections of the societies
- (D) None of the following

Answer: C

17. Which of the 3 words were added LATER to the Preamble?

- a) Justice, Liberty, Equality
- b) Socialist, Republic, Justice
- c) Sovereign, Fraternity, Political
- d) Secular, Socialist, Integrity

Answer: D

18. Which Articles in the Constitution grants us the Right to Freedom?

- a) Article 14-18
- b) Article 19-22
- c) Article 32
- d) Article 368

Answer: B

19. What is the date of adoption of the Constitution?

- a) 26th November, 1949

- b) 26th January, 1950
- c) 15th August, 1947
- d) 30th January, 1960

Answer: A

20. Which Constitutional Amendment added the part of Fundamental Duties to the Constitution?

- a) 42nd Constitutional Amendment
- b) 62nd Constitutional Amendment
- c) 78th Constitutional Amendment
- d) 34th Constitutional Amendment

Answer: A



1. Which Article of Constitution of India safeguards against arbitrary arrest and detention?

- (a) Article 21
- (b) Article 22
- (c) Article 23
- (d) Article 24

Answer: B

2. In ___ case the Hon'ble Supreme Court enumerated guidelines and requirements for arrests and detentions.

- (a) DK Basu Vs State of West Bengal
- (b) State of Punjab Vs Ajaib Singh
- (c) M C Mehta case
- (d) None of the above

Answer: A

3. The decisions emanating from DK Basu Vs State of West Bengal led to the incorporation of Section ___ of CrPC

- (a) Section 45
- (b) Section 50
- (c) Section 51
- (d) Section 44

Answer: B

4. Under which section is the police obliged to give information regarding arrest and place where the arrested person is being held to any of his friends,relatives...

- (a) Section 50 of CrPC
- (b) Section 45 of CrPC
- (c) Section 55 of CrPC
- (d) None of the above

Answer: A

5. According to ____ any person who is arrested , cannot be detained I custody without being informed of the grounds of any such arrest as soon as possible.

- (a) Article 22(3)
- (b) Article 22(2)
- (c) Article 22(1)
- (d) Article 22(4)

Answer: C

6. According to Article____ any person who is arrested has the right to consult at all times and be defended by a lawyer of his choice.

- (a) Article 22(1)
- (b) Article 21
- (c) Article 22(2)
- (d) Article 24

Answer: A

7. According to Article____ no person who is arrested should be detained for more than 24 hours without being produced before a magistrate or judicial authority and getting the detention authorized.

- (a) Article 22(1)
- (b) Article 22(3)
- (c) Article 21

- (d) Article 22(2)

Answer: D

8. In ___ case Article 22(2) was infringed and the victim was provided compensation as constitutional remedy.

- (a) State of Punjab Vs Ajaib Singh
(b) DK Basu Vs State of West Bengal
(c) A.S Mohammed Rafi Vs State of Tamil Nadu
(d) None of the above

Answer: A

9. In ___ case it was questioned whether the accused can be remanded to police custody after the expiry of first 15 days

- (a) State of Punjab Vs Ajaib Singh
(b) C.B.I Vs Anupam J. Kulkarni
(c) D. K Basu Vs State of West Bengal
(d) None of the above

Answer: B

10. To detain beyond a period of 15 days, an advisory board has to report sufficient cause for the extension of such detention prior to the expiration period according to ___

- (a) Article 22(1)
(b) Article 22(2)
(c) Article 22(3)
(d) Article 22(4)

Answer: D

11. ___ states that none of the rights mentioned in clause 1 and 2 of Article 22 would be applicable for a person who is deemed to be an enemy alien and anybody who is arrested under preventive detention

- (a) Article 22(1)
- (b) Article 22(2)
- (c) Article 22(3)
- (d) Article 22(4)

Answer: C

12. Article 22 was inserted upon the removal of the phrase _____ from Article 21.

- (a) Due process
- (b) Arrest
- (c) Detention
- (d) Legal process

Answer: A

13. In ___ case the Hon'ble Supreme Court acknowledged that preventive detention laws were not only subject to Article 22 but were also open to scrutiny under Articles 14, 21 and 19.

- (a) A. K Roy Vs Union of India
- (b) D. K Basu Vs State of West Bengal
- (c) C.B.I Vs Anupam J.Kulkarni
- (d) None of the above

Answer: A

14. ____ is known as ‘necessary evil’ of the constitutions it can be steered in various directions and can be put in to use in various scenarios, not all being just and reasonable

- (a) Arrest
- (b) Preventive detention
- (c) Right to Vote
- (d) Right to defend

Answer: B

15. Preventive Detention Act was enacted in?

- (a) 1955
- (b) 1953
- (c) 1950
- (d) 1951

Answer: C

16. The Preventive Detention Act lapsed in 1979 which gave way to the formation of ____

- (a) Arms Act
- (b) Maintenance of Internal Security Act
- (c) Anti- Terrorism Act
- (d) National Security Act

Answer: B

17. The Terrorist and Disruptive Activities (Prevention) Act (TADA) was enacted in?

- (a) 1978
- (b) 1987
- (c) 1988
- (d) 1977

Answer: B

18. The National Security Act was enacted in ?

- (a) 1981
- (b) 1982
- (c) 1980
- (d) 1979

Answer: C

19. An individual can be detained without charge for up to 12 months if the authorities are satisfied that the person is a threat to national security under which act?

- (a) TADA
- (b) POTA
- (c) National Security Act
- (d) None of the above

Answer: C

20. According to ___ the detaining authority is not mandatorily required to disclose any such facts which it considers to be against public interest to disclose.

- (a) Article 22 (1)
- (b) Article 22 (3)
- (c) Article 22 (2)
- (d) Article 22 (6)

Answer: D



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