

TARGET OCS 2020

DAILY QUIZ

DAY – 7

DATE : 30-09-2020

INDIAN POLITY

Q NO	Questions	Answers
Q1	<p>In the context of the Indian polity, which of the following statements best describes the term fraternity?</p> <p>(a) It refers to the formation of collective consciousness leading to unity and integrity of the nation.</p> <p>(b) It refers to the voluntary sharing of collective burdens by individuals for the welfare of the society.</p> <p>(c) It refers to an attitude of respect and reverence towards fellow men.</p> <p>(d) It refers to the assurance of mutual tolerance towards all religion.</p>	<p>Ans. C</p> <p><input type="checkbox"/> The term ‘Fraternity’ was added by Dr B R Ambedkar to the Objectives resolution which was subsequently adopted as the Preamble.</p> <p><input type="checkbox"/> According to B. R. Ambedkar, an ideal society should be mobile, should be full of channels for conveying a change taking place in one part to other parts. In an ideal society there should be many interests consciously communicated and shared. There should be varied and free points of contact with other modes of association. In other words, there must be social endosmosis. This is a fraternity. In a nutshell, it is essentially an attitude of mutual respect and reverence towards one's fellow men. Hence option (c) is the correct answer.</p> <p><input type="checkbox"/> In addition, it is because of this principle of fraternity that man does not consider his fellow beings in society as his rivals for seeking means of happiness to whom he must defeat to become successful. During debates in the constituent assembly explaining the concept of fraternity, Dr Ambedkar said that fraternity means a sense of common brotherhood of Indians being one people. It is a principle which gives solidarity to social life.</p> <p><input type="checkbox"/> Mutual respect and reverence is a higher goal than mutual tolerance and concern. Mutual tolerance is a willingness to accept behaviour and beliefs that are different from your own, although you might not agree with or approve of them. On the other hand, mutual respect implies admiration felt or shown for someone or something that you believe has good ideas or qualities.</p> <p><input type="checkbox"/> The voluntary sharing of collective burdens by individuals for the welfare of society is a collective duty. It</p>

		<p>may not necessarily be owing to an attitude of mutual respect and reverence towards one's fellow men.</p> <p>Fraternity is more concerned about individuals. It is about relations between individual to individual and respect for the dignity of the individual eventually leading to unity and integrity of the nation. Hence, option (b) is not the correct answer.</p> <p><input type="checkbox"/> The formation of collective consciousness leading to unity and integrity of the nation is more of a collective entity. In addition, this may be forced as well. It doesn't ensure that it has been achieved through the process of development of mutual respect and reverence, which is the most important component of fraternity. Hence, option (a) is not the correct answer.</p>
Q2	<p>With reference to Constitutionalism, which of the following statements is the most appropriate?</p> <p>(a) It is an ideology which promotes supremacy of a written Constitution.</p> <p>(b) It means Constitution is necessary in a democratic country.</p> <p>(c) It denotes the principle that the government derives its authority from a body of fundamental law and is limited by it.</p> <p>(d) It means that Constitution must provide certain inalienable rights to the citizens.</p>	<p>Ans. C</p> <p>Constitutionalism is a concept which means that Government derives its authority from a fundamental body of law and is legally limited in its powers by the same. It does not have any relation to written or unwritten constitution or the political system of a country.</p> <p><input type="checkbox"/> Constitutionalism' means limited government or limitation on government. Constitutionalism recognizes the need for government with powers but at the same time insists that limitation be placed on those powers. The antithesis of constitutionalism is despotism and arbitrary powers . A government which goes beyond its limits loses its authority and legitimacy. Therefore, to preserve the basic freedoms of the individual, and to maintain his dignity and personality, the Constitution should be permeated with _Constitutionalism'; it should have some inbuilt restrictions on the powers conferred by it on governmental organs.</p> <p><input type="checkbox"/> Constitutionalism is primarily based on the notion of people's sovereignty, which is to be exercised in a limited manner-by a representative government. The only consensual and representative form of governance in existence today, is democratic government. In this way, there is a very important and basic link between democracy and constitutionalism. Genuine democracies rest on the sovereignty of the people, not the rulers. Elected representatives are to exercise authority on behalf of the people, based on</p>

		<p>the will of the people. Without genuine democracy, there can be no constitutionalism.</p> <p>□ Constitutionalism is safeguarded by the rule of law. Rule of law refers to the supremacy of law: that society is governed by law and this law applies equally to all persons, including government and state officials. Following basic principles of constitutionalism, common institutional provisions used to maintain the rule of law include the separation of powers, judicial review, the prohibition of retroactive legislation and habeas corpus. Only when the supremacy of the rule of law is established, can supremacy of the constitution exist. Constitutionalism additionally requires effective laws and their enforcement to provide structure to its framework.</p>
Q3	<p>The justiciability of the Fundamental Rights and the non-justiciability of the Directive Principles of State Policy, an essential feature of the Indian Constitution, has been adopted from which of the following sources?</p> <p>(a) Constitution of Ireland (b) Weimar Constitution (c) Canadian Constitution (d) Constitution of Australia</p>	<p>Ans. A</p> <p>» The difference between the Fundamental rights and the Directives is that of being justiciable and nonjusticiable rights. This classification was adopted from the Irish Constitution. Hence option (a) is the correct answer.</p>
Q4	<p>Which of the statements with regard to Adhoc judges of the Supreme Court is not correct?</p> <p>(a) They are appointed by the Chief Justice of India when there is lack of quorum of the permanent judges to hold or continue any session of the Supreme Court. (b) They should be qualified for appointment as a judge of the High Court. (c) It is their duty to attend the sittings of the Supreme Court, in priority to other duties of his office. (d) They enjoy all the jurisdiction, powers and privileges as a judge of the Supreme Court while appointed as adhoc judges.</p>	<p>Ans. B</p> <p>» As per Article 127 of the Indian Constitution:</p> <ul style="list-style-type: none"> o When there is a lack of quorum of the permanent judges to hold or continue any session of the Supreme Court, the Chief Justice of India can appoint a judge of a High Court as an ad hoc judge of the Supreme Court for a temporary period. o He can do so only after consultation with the chief justice of the High Court concerned and with the previous consent of the president. o The judge so appointed should be qualified for appointment as a judge of the Supreme Court. Hence option (b) is not correct. o It is the duty of the judge so appointed to attend the sittings of the Supreme Court, in priority to other duties of his office o While so attending, he enjoys all the jurisdiction, powers and privileges (and discharges the duties) of a judge of the Supreme Court.
Q5	<p>Which of the following states was/were a Union Territory before attaining statehood?</p>	<p>Ans. C</p>

1. Manipur
 2. Sikkim
 3. Himachal Pradesh
- Select the correct answer using the code given below.
- (a) 1 only
 - (b) 1 and 2 only
 - (c) 1 and 3 only
 - (d) 3 only

□ After the independence of India in 1947, the Princely State of Manipur was merged with the Indian Union on October 15, 1949. It was placed under Part-C of the fourfold classification of the states. By the States Reorganisation Act (1956) and the 7th Constitutional Amendment Act(1956) (following which the distinction between Part-A and Part-B states was done away with and Part-C states were abolished), Manipur was made a Union Territory. It became a full-fledged state in 1972. Hence option 1 is correct.

□ The Chief Commissioner's province of Himachal Pradesh came into being on 15th April 1948. Himachal Pradesh became a part C state on 26th January 1950 with the implementation of the Constitution of India. Himachal Pradesh became Union Territory on 1st November 1956. Kangra and most of the other hill areas of Punjab were merged with Himachal Pradesh on 1st November 1966 though its status remained that of a Union Territory. On 18th December 1970, the State of Himachal Pradesh Act was passed by the Parliament and the new state came into being on 25th January 1971. Thus it emerged as the eighteenth state of Indian Union. Hence option 3 is correct.

□ Till 1947, Sikkim was an Indian princely state ruled by Chogyal. In 1947, after the lapse of British paramountcy, Sikkim became a 'protectorate' of India, whereby the Indian Government assumed responsibility for the defence, external affairs and communications of Sikkim. After Sikkim desired for a greater association with India, it was accorded the special status of an 'associate state' of the Indian Union under the 35th Amendment of the Indian Constitution (1974). In a referendum held in 1975, they voted for the abolition of the institution of Chogyal and Sikkim becoming an integral part of India. Consequently, the 36th Constitutional Amendment Act (1975) was enacted to make Sikkim a full-fledged state of the Indian Union (the 22nd state). It was never a Union Territory before attaining statehood. Hence option 2 is not correct. More about the fourfold classification of the Indian states

		<p>In 1950, the Constitution contained a four-fold classification of the states of the Indian Union— Part A, Part B, Part C, and Part D State. In all, they numbered 29.</p> <ul style="list-style-type: none"> o Part-A states comprised nine erstwhile governor's provinces of British India. o Part-B states consisted of nine erstwhile princely states with legislatures. o Part-C states consisted of erstwhile chief commissioner's provinces of British India and some of the erstwhile princely states. These Part-C states (in all 10 in number) were centrally administered. o The Andaman and Nicobar Islands were kept as the solitary Part-D states.
Q6	<p>With reference to the doctrine of 'basic structure' laid down by the Supreme Court of India, which of the following are considered as a basic feature of the Indian Constitution?</p> <ol style="list-style-type: none"> 1. Effective access to justice 2. The supremacy of the Fundamental Rights over the Directive Principle of State Policy. 3. Social Justice 4. Proclamation of Emergency <p>Select the correct answer using the code given below.</p> <p>(a) 1, 3 and 4 only (b) 1 and 3 only (c) 2, 3 and 4 only (d) 1 only</p>	<p>Ans. B</p> <p>In the Kesavananda Bharati case (1973), the Supreme Court of India, by overruling its judgment in the Golak Nath case (1967), stated that the Parliament is empowered to abridge or take away any of the Fundamental Rights. At the same time, it laid down a new doctrine of the 'basic structure' (or 'basic features') of the Constitution. It ruled that the constituent power of Parliament under Article 368 does not enable it to alter the 'basic structure' of the Constitution. This means that the Parliament cannot abridge or take away a Fundamental Right that forms a part of the 'basic structure' of the Constitution. However, the Supreme Court is yet to define or clarify as to what constitutes the 'basic structure' of the Constitution. The 'basic features' of the Constitution have emerged from the various judgements of the Supreme Court.</p> <p><input type="checkbox"/> In the Central Coal Fields Ltd case, the Supreme Court said that the right of effective access to justice has emerged in the Third World countries as the first among the new social rights what with public interest litigation, community-based actions and pro bono public proceedings. In its verdict to the Central Coal Fields Ltd case, the Supreme Court declared 'Effective access to justice' as a basic feature of the Indian Constitution. Hence option 1 is correct.</p> <p><input type="checkbox"/> In the Minerva Mills Ltd. & Ors vs Union Of India & Ors on 31 July 1980, the Supreme Court said that the Indian Constitution is founded on the bedrock of the balance between Parts III and IV. To give absolute primacy to one over the other is to disturb the harmony of the Constitution. This harmony and</p>

		<p>balance between fundamental rights and directive principles is an essential feature of the basic structure of the Constitution. Hence option 2 is not correct.</p> <p><input type="checkbox"/> In the M.Nagaraj & Others vs Union Of India & Others on 19 October 2006, the Supreme Court said axioms like secularism, democracy, reasonableness, social justice, etc. are overarching principles which provide a linking factor for the principle of fundamental rights like Articles 14, 19 and 21. These principles are beyond the amending power of the Parliament. Hence option 3 is correct.</p> <p><input type="checkbox"/> Proclamation of Emergency has never been described as a part of the basic structure of the Indian Constitution. The Supreme Court, on the contrary, has always considered 'Federal structure of the Constitution' to be a basic feature. Hence option 4 is not correct.</p>
Q7	<p>Arrange the following states in the chronological order of their formation:</p> <ol style="list-style-type: none"> 1. Haryana 2. Nagaland 3. Gujarat <p>Select the correct answer using the code given below.</p> <ol style="list-style-type: none"> (a) 2-1-3 (b) 3-1-2 (c) 3-2-1 (d) 2-3-1 	<p>Ans. C</p> <p>In 1960, the bilingual state of Bombay was divided into two separate states—Maharashtra for Marathispeaking people and Gujarat for Gujarati-speaking people. Gujarat was established as the 15th state of the Indian Union.</p> <p>» In 1963, the State of Nagaland was formed by taking the Naga Hills and Tuensang area out of the state of Assam. However, before giving Nagaland the status of the 16th state of the Indian Union, it was placed under the control of the governor of Assam in 1961.</p> <p>» In 1966, following the demand for a separate 'Sikh Homeland' (Punjabi Sabha) raised by the Akali Dal under the leadership of Master Tara Singh, the state of Punjab was bifurcated to create Haryana, the 17th state of the Indian Union, and the union territory of Chandigarh. On the recommendation of the Shah Commission (1966), the Punjabi-speaking areas were constituted into the unilingual state of Punjab, the Hindi-speaking areas were constituted into the state of Haryana.</p> <p>» The correct sequence is Gujarat (3)- Nagaland (2)- Haryana (1). Hence option (c) is the correct answer.</p>
Q8	<p>India and a neighboring country are having a maritime border dispute which can be resolved without India having to cede any of its territories. Such a settlement can be</p>	<p>Ans. C</p> <p>The Supreme Court in 1969 ruled that settlement of a boundary dispute between India and another country</p>

	<p>effected by</p> <p>(a) A constitutional amendment by a special majority.</p> <p>(b) A constitutional amendment by a special majority and also the consent of half of the state legislatures.</p> <p>(c) Executive action without the need of any constitutional amendment.</p> <p>(d) The passage of a law by the parliament with simple majority.</p>	<p>does not require a constitutional amendment. It can be done by executive action as it does not involve cession of Indian territory to a foreign country. Hence option (c) is the correct answer.</p> <p><input type="checkbox"/> While the decision of the Central Government to cede part of a territory known as Berubari Union (West Bengal) to Pakistan led to political agitation and controversy and thereby necessitated the Presidential reference. The Supreme Court held that the power of Parliament to diminish the area of a state (under Article 3) does not cover cession of Indian territory to a foreign country. Hence, Indian territory can be ceded to a foreign state only by amending the Constitution under Article 368. Consequently, the 9th Constitutional Amendment Act (1960) was enacted to transfer the said territory to Pakistan.</p>
Q9	<p>In the context of human rights, which of the following is the most appropriate description of the term 'negative rights'?</p> <p>(a) Rights that require judicial intervention in order to be realized.</p> <p>(b) Set of rights which a certain group, such as army, is not entitled to exercise.</p> <p>(c) Rights that require others to abstain from interfering with individual actions.</p> <p>(d) Rights which put an obligation on others to provide some benefit to the rights holder</p>	<p>Ans. C</p> <p>Negative and positive rights are a distinct category of rights that oblige either action or inaction. These obligations may be of either a legal or moral character.</p> <p><input type="checkbox"/> Positive Right:</p> <ul style="list-style-type: none"> o Positive rights require others to provide you with either a good or service. o It is an obligation on others to provide some benefit to the rights holder. o It is a right to be subjected to an action or another person or group; positive rights permit or oblige action. o Right to Education is a positive right which obliges state to provide adequate facilities for education. <p><input type="checkbox"/> Negative rights</p> <ul style="list-style-type: none"> o A negative right, on the other hand, only requires others to abstain from interfering with your actions. o These are those rights that entitle a person to be let alone in one manner or another. o If a person has a negative right, that person has the right to be free to do some action or to do no action. o Negative rights can include, but certainly are not limited to, freedoms such as the right to choose what to do for a living, whether to buy one brand of cereal or another, the right to buy and sell property, the right not to be killed, the right to speak freely, and the right to make one's own moral decisions. <p><input type="checkbox"/> Hence option (c) is the correct answer.</p>
Q10	The objective of the Government of India	Ans. C

<p>Act, 1915 was to:</p> <p>(a) increase the number of non-official members in the Central Legislative Assembly.</p> <p>(b) lay the foundation of a representative and popular government in India.</p> <p>(c) consolidate all the preceding acts of Parliament concerning British India..</p> <p>(d) consolidate all the ordinances passed by the Governor-General of India related to national security.</p>	<p>The Government of India Act 1915 was an act of the Parliament of Britain, which consolidated prior Acts of Parliament concerning British India into a single act. It was passed in July 1915 and went into effect on 1 January 1916. Hence the option (c) is the correct answer.</p> <p><input type="checkbox"/> The act repealed 47 prior acts of Parliament, starting with an act of 1770, and replaced them with a single act containing 135 sections and five schedules. It was introduced first to the House of Lords, where it was referred to a joint committee of Parliament chaired by Lord Loreburn. The committee removed several provisions which went beyond the simple consolidation of existing law.</p> <p><input type="checkbox"/> The Government of India Act 1915 and its supplemental act the following year made the English statute law relating to India easier to understand, and therefore easier to amend.</p> <p><input type="checkbox"/> The Government of India Act of 1915 brought about one firm reform and this was with regards to the jurisdiction of the High Courts. It was held in this act that no High Court could exert original jurisdiction over matters concerning---Revenue, or any act done concerning or relation to it.</p>
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MAIN PRACTICE QUESTION

<p>Q1</p>	<p>What do you mean by Preamble ? Why is the Preamble prefaced to our Constitution is so significant ? Is the Preamble a part of our Constitution ? Show, how ? OCS 2015</p> <p>(10 Marks) (150-200 words)</p>
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