AILET

Important MCQs on Constitutional Law- PART I

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1. Which of the following constitutional provisions has been held to form part of the basic structure by the Supreme Court of India?

A. Article 368 (Amendment Power of Parliament)

B. Article 110 (Definition of Money Bill)

C. Article 123 (Ordinance-making power of President)

D. Article 370 (Special status of Jammu & Kashmir)

Correct Answer: A

Explanation: In *Kesavananda Bharati v. State of Kerala (1973)*, the Supreme Court held that although Parliament has wide amending power under Article 368, it cannot alter the basic structure of the Constitution. The amending power itself, subject to this limitation, is part of the basic structure.

2. The doctrine of pith and substance is primarily applied in which context under Indian constitutional law?

A. Judicial review of constitutional amendments

B. Resolution of repugnancy between Union and State laws

C. Determination of legislative competence between Union and State legislatures

D. Interpretation of Fundamental Rights vis-à-vis Directive Principles

Correct Answer: C

Explanation: The doctrine of pith and substance is used to determine whether a law enacted by a legislature falls within its assigned subject in the Union, State, or Concurrent List. If in substance the law falls within the legislature's power, it is valid, even if it incidentally trenches upon another list.

3. Which of the following best explains the distinction between ordinary constitutional amendments and amendments under Article 368's special procedure?

A. Ordinary amendments can be passed by simple majority in Parliament; special amendments require State ratification.
B. Ordinary amendments concern non-federal provisions; special amendments involve federal provisions requiring State ratification.
C. Ordinary amendments are beyond judicial review; special amendments are subject to judicial review.
D. Ordinary amendments can be passed by both Parliament and State Legislatures; special amendments can only be passed by Parliament.

Correct Answer: B

Explanation: Certain provisions (like election of President, distribution of legislative powers, representation of States in Parliament, etc.) require ratification by at least half the State legislatures under Article 368(2). These are called special amendments. Ordinary amendments (simple majority) concern provisions outside Article 368 (e.g., citizenship, formation of States).

4. In Indira Nehru Gandhi v. Raj Narain (1975), the Supreme Court struck down the 39th Amendment on what principal ground?

A. Violation of judicial independence
B. Violation of separation of powers
C. Violation of rule of law and basic structure
D. Excessive delegation of legislative power

Correct Answer: C

Explanation: The 39th Amendment placed disputes relating to election of the Prime Minister beyond judicial review. The Court struck it down as it destroyed rule of law, judicial review, and equality- core parts of the basic structure.

5. The S.R. Bommai v. Union of India (1994) case is significant for which constitutional principle?

A. Right to education as part of right to life
B. Federalism as part of basic structure
C. Judicial review of constitutional amendments
D. Separation of powers between Executive and Judiciary

Correct Answer: B

Explanation: In *S.R. Bommai*, the Court held that federalism is a part of the basic structure of the Constitution and judicially reviewed the imposition of President's Rule under Article 356. This case limited arbitrary use of emergency powers.

6. Which of the following correctly describes the interplay between Fundamental Rights and Directive Principles after the *Minerva Mills v. Union of India (1980)* judgment?

A. Fundamental Rights prevail over Directive Principles in all cases.
B. Directive Principles prevail over Fundamental Rights in all cases.
C. Fundamental Rights and Directive Principles must be harmonized; neither is superior.
D. Parliament can freely amend Fundamental Rights to give effect to Directive Principles.

Correct Answer: C

Explanation: In *Minerva Mills*, the Court emphasized harmony and balance between Part III (Fundamental Rights) and Part IV (Directive Principles). Neither can be given absolute primacy.

7. Which of the following constitutional provisions is not justiciable in a court of law?

A. Article 32 (Right to constitutional remedies)
B. Article 131 (Original jurisdiction of the Supreme Court)
C. Article 37 (Application of Directive Principles)
D. Article 226 (Power of High Courts to issue writs)

Correct Answer: C

Explanation: Article 37 explicitly states that Directive Principles are **non-justiciable**, though they are fundamental in governance.

8. Which case established that judicial review of Ninth Schedule laws is permissible if they damage the basic structure of the Constitution?

A. Kesavananda Bharati v. State of Kerala
B. Waman Rao v. Union of India
C. I.R. Coelho v. State of Tamil Nadu
D. S.R. Bommai v. Union of India

Correct Answer: C

Explanation: In *I.R. Coelho*, the Court held that even laws placed in the Ninth Schedule (immunized from judicial review under Article 31-B) after April 24, 1973, are open to review if

they violate the basic structure.

9. Which constitutional doctrine prevents the legislature from exercising constituent power in a manner that damages constitutional identity?

A. Doctrine of Eclipse

B. Doctrine of Severability

C. Doctrine of Basic Structure

D. Doctrine of Harmonious Construction

Correct Answer: C

Explanation: The Basic Structure Doctrine ensures that while Parliament can amend most provisions under Article 368, it cannot alter the "identity" of the Constitution. Eclipse (A) applies to pre-constitutional laws, Severability (B) saves valid parts of laws, and Harmonious Construction (D) resolves conflicts between provisions.

10. Under Article 200, the Governor may reserve certain bills for the consideration of the President. Which category of bills must be reserved?

A. Bills derogating from the powers of the High Court

B. Bills imposing restrictions on trade and commerce within the State

C. Bills relating to salaries of State legislators

D. Money Bills

Correct Answer: A

Explanation: Article 200 mandates that if a Bill endangers the position of the High Court, the Governor must reserve it for the President. Other bills may be reserved at the Governor's discretion but are not compulsory. Money Bills (D) can only be introduced in State Assembly with Governor's recommendation, but do not require reservation.