BLOGS

MCQ’s on Constitutional Law for CLAT PG [Part 8]

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Q1. Which of the following best explains why Articles 73 and 162 are often described as “mirror provisions” rather than identical grants of executive power?

a. Both are subject to overriding emergency powers

b. Both are limited by fundamental rights

c. One is expressly subject to legislative competence while the other is not

d. Their scope is co-extensive only in the absence of Parliamentary legislation

Q2. The constitutional logic underlying Article 74(1) after the 42nd and 44th Amendments most closely aligns with which doctrine?

a. Absolute executive discretion

b. Cabinet supremacy

c. Responsible government

d. Delegated sovereignty

Q3. Which of the following situations would MOST clearly justify the Governor’s exercise of discretion under Article 163?

a. Reservation of a Bill for Presidential assent

b. Appointment of the Chief Minister after fractured elections

c. Grant of pardon under Article 161

d. Prorogation of the Legislative Assembly on Cabinet advice

Q4. The power of the President under Article 72 and that of the Governor under Article 161 differ fundamentally because:

a. Article 72 applies only to Union offences

b. Article 161 excludes death sentences

c. Article 72 extends to court-martial and Union laws

d. Article 161 is non-justiciable

Q5. Which of the following best explains why Article 122 and Article 212 are considered structural guarantees rather than individual rights?

a. They operate only during emergencies

b. They bar judicial review of legislative procedure

c. They apply only to money bills

d. They are subject to Article 368

Q6. The relationship between Articles 123 and 213 reflects which deeper constitutional assumption?

a. Ordinance-making power is legislative in character

b. Ordinances are an exception to separation of powers

c. Executive necessity can temporarily substitute legislature

d. Ordinances override parliamentary sovereignty

Q7. Which of the following correctly captures the constitutional asymmetry between the Union and States with respect to legislative dissolution?

a. Both President and Governor act solely on ministerial advice

b. Governor enjoys wider discretion than the President

c. President's power is more circumscribed by convention

d. State Legislatures enjoy greater autonomy

Q8. Article 356 read with Articles 365 and 355 suggests that President's Rule is constitutionally premised on:

a. Breakdown of law and order

b. Failure of political morality

c. Failure of constitutional machinery

d. Failure of popular mandate

Q9. Which of the following best explains why Article 200 gives the Governor multiple options regarding assent to Bills?

a. To ensure State autonomy

b. To preserve federal supremacy of the Union

c. To create a second legislative chamber

d. To enable judicial review

Q10. The distinction between Articles 73/162 and Articles 77/166 reflects which constitutional principle?

a. Delegated legislation

b. Separation of powers

c. Formal vs substantive executive power

d. Judicial supremacy

Q11. Which of the following is the strongest constitutional justification for limiting the Governor's "discretion"?

a. Textual silence of Article 163

b. Federal structure

c. Parliamentary democracy

d. Judicial review under Article 226

Q12. Which scenario most clearly violates the constitutional scheme of Part VI?

a. Governor appointing Advocate-General

b. Governor reserving a Bill affecting High Court powers

c. Governor dissolving Assembly without Cabinet advice

d. Governor sending report under Article 356

Q13. Articles 256–257, when read with Part VI, indicate that administrative federalism in India is best described as:

a. Competitive federalism

b. Dual federalism

c. Cooperative but Union-biased federalism

d. Confederal arrangement

Q14. Why is the Advocate-General under Article 165 constitutionally distinct from the Attorney-General under Article 76?

a. The Advocate-General is not part of the executive

b. The Attorney-General enjoys greater independence

c. Their functions reflect different federal locations

d. The Advocate-General is elected

Q15. Which of the following interpretations most accurately reflects the constitutional position on the Governor's oath under Article 159?

a. It mandates political neutrality

b. It creates fiduciary duty to the Union

c. It imposes constitutional fidelity over partisan loyalty

d. It authorises discretionary governance

Answers

1. Correct Answer: D — Their scope is co-extensive only in the absence of Parliamentary legislation

Explanation: Articles 73 (Union executive power) and 162 (State executive power) are often described as mirror provisions because both extend executive power to matters over which the legislature has competence. However, this symmetry exists only until Parliament legislates. Once Parliament occupies a field, the Union executive power expands and the State executive power recedes. Hence, they are not identical grants of power but operate conditionally.

2. Correct Answer: C — Responsible government

Explanation: After the 42nd and 44th Amendments, Article 74(1) made the President constitutionally bound by the aid and advice of the Council of Ministers. This entrenches the doctrine of responsible government, where real executive power lies with an elected body accountable to Parliament, not with the nominal head.

3. Correct Answer: B — Appointment of the Chief Minister after fractured elections

Explanation: Article 163 allows the Governor limited discretion. The clearest constitutionally recognised area is government formation when no party has a clear majority. In such situations, discretion is unavoidable. Other actions like assent, pardons, or prorogation generally follow ministerial advice.

4. Correct Answer: C — Article 72 extends to court-martial and Union laws

Explanation: The President’s clemency power under Article 72 includes death sentences, court-martial cases, and offences under Union law. The Governor’s power under Article 161 is narrower and does not extend to court-martial matters, creating a substantive constitutional distinction.

5. Correct Answer: B — They bar judicial review of legislative procedure

Explanation: Articles 122 and 212 prevent courts from questioning the validity of legislative proceedings on grounds of procedural irregularity. These provisions protect institutional autonomy of legislatures, making them structural safeguards rather than individual rights.

6. Correct Answer: C — Executive necessity can temporarily substitute legislature

Explanation: Articles 123 and 213 permit ordinance-making only when legislatures are not in session. The constitutional assumption is that executive necessity justifies temporary law-making, not that the executive permanently replaces the legislature.

7. Correct Answer: B — Governor enjoys wider discretion than the President

Explanation: While both the President and Governor are bound by ministerial advice, Governors historically exercised more discretion, especially regarding dissolution and government formation. Judicial scrutiny (e.g., Bommai, Nabam Rebia) has narrowed this, but the asymmetry remains.

8. Correct Answer: C — Failure of constitutional machinery

Explanation: Article 356 is triggered by the breakdown of constitutional governance, not merely political instability or law and order issues. This interpretation was firmly established in *S.R. Bommai v. Union of India*.

9. Correct Answer: B — To preserve federal supremacy of the Union

Explanation: Article 200 allows the Governor to reserve certain Bills for Presidential consideration, especially where Union interests or constitutional questions are involved. This reflects the Union-biased federal structure of the Constitution.

10. Correct Answer: C — Formal vs substantive executive power

Explanation: Articles 73 and 162 confer substantive executive authority, while Articles 77 and 166 regulate how that authority is exercised formally (authentication, business rules). This distinction ensures legality without confusing power with procedure.

11. Correct Answer: C — Parliamentary democracy

Explanation: In a parliamentary system, executive power must remain accountable to the legislature. Excessive gubernatorial discretion would undermine democratic governance, which is why courts insist on a narrow interpretation of discretion.

12. Correct Answer: C — Governor dissolving Assembly without Cabinet advice

Explanation: Dissolution without ministerial advice (except in exceptional circumstances) violates democratic norms and the constitutional scheme under Part VI. Courts have repeatedly held such actions unconstitutional.

13. Correct Answer: C — Cooperative but Union-biased federalism

Explanation: Articles 256–257 empower the Union to issue directions to States. While governance is cooperative in theory, the Constitution structurally favours the Union, especially in administrative control.

14. Correct Answer: C — Their functions reflect different federal locations

Explanation: The Attorney-General (Article 76) operates at the Union level, while the Advocate-General (Article 165) functions at the State level. Their roles mirror federal distribution rather than hierarchy or independence differences.

15. Correct Answer: C — It imposes constitutional fidelity over partisan loyalty

Explanation: The oath under Article 159 binds the Governor to uphold the Constitution, not political interests of the Union or State. This reinforces neutrality and constitutional morality in a quasi-federal system.