BLOGS

Passage Based Questions on Constitutional Law for CLAT PG [Part 5]

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Passage

The significant absence of the expressions like ‘federal’ or ‘federation’ in the constitutional vocabulary, Parliament’s powers under Articles 2 and 3 elaborated earlier, the extraordinary powers conferred to meet emergency situations, the residuary powers conferred by Article 248 read with Entry 97 in List I of the Seventh Schedule on the Union, the power to amend the Constitution, the power to issue directions to States, the concept of a single citizenship, the set-up of an integrated judiciary, etc., etc., have led constitutional experts to doubt the appropriateness of the appellation ‘federal’ to the Indian Constitution. Said Prof. K.C. Wheare in his work Federal Government: “What makes one doubt that the Constitution of India is strictly and fully federal, however, are the powers of intervention in the affairs of the States given by the Constitution to the Central Government and Parliament.”

Thus in the United States, the sovereign States enjoy their own separate existence which cannot be impaired; indestructible States having constituted an indestructible Union. In India, on the contrary, Parliament can by law form a new State, alter the size of an existing State, alter the name of an existing State, etc., and even curtail the power, both executive and legislative, by amending the Constitution. That is why the Constitution of India is differently described, more appropriately as ‘quasi-federal’ because it is a mixture of the federal and unitary elements, leaning more towards the latter but then what is there in a name, what is important to bear in mind is the thrust and implications of the various provisions of the Constitution bearing on the controversy in regard to scope and ambit of the Presidential power under Article 356 and related provisions.

Secularism under the Constitution

India can rightly be described as the world’s most heterogeneous society. It is a country with a rich heritage. Several races have converged in this sub-continent. They brought with them their

own cultures, languages, religions and customs. These diversities threw up their own problems but the early leadership showed wisdom and sagacity in tackling them by preaching the philosophy of accommodation and tolerance. This is the message which saints and sufis spread in olden days and which Mahatma Gandhi and other leaders of modern times advocated to maintain national unity and integrity. The British policy of divide and rule, aggravated by separate electorates based on religion, had added a new dimension of mixing religion with politics which had to be countered and which could be countered only if the people realised the need for national unity and integrity. It was with the weapons of secularism and non-violence that Mahatma Gandhi fought the battle for independence against the mighty colonial rulers. As early as 1908, Gandhiji wrote in Hind Swaraj: “India cannot cease to be one nation, because people belonging to different religions live in it. … In no part of the world are one nationality and one religion synonymous terms; nor has it ever been so in India.”

Gandhiji was ably assisted by leaders like Pandit Jawaharlal Nehru, Maulana Abul Kalam Azad and others in the task of fighting a peaceful battle for securing independence by uniting the people of India against separatist forces.

The great statesman-philosopher Dr Radhakrishnan said “When India is said to be a secular State, it does not mean that we reject reality of an unseen spirit or the relevance of religion to life or that we exalt irreligion. It does not mean that secularism itself becomes a positive religion or that the State assumes divine prerogatives. Though faith in the Supreme is the basic principle of the Indian tradition, the Indian State will not identify itself with or be controlled by any particular religion. We hold that no one religion should be given preferential status, or unique distinction, that no one religion should be accorded special privileges in national life or international relations for that would be a violation of the basic principles of democracy and contrary to the best interests of religion and Government.” Since it was felt that separate electorates for minorities were responsible for communal and separatist tendencies, the Advisory Committee resolved that the system of reservation for minorities, excluding SC/ST, should be done away with. Pursuant to the goal of secularism, the Constituent Assembly adopted clauses 13, 14 and 15 roughly corresponding to the present Articles 25, 26 and 27.”

Excerpt taken from S.R. Bommai v. Union of India

Q1. The description of the Indian Constitution as “quasi-federal” primarily reflects which constitutional tension?

a. Between Fundamental Rights and Directive Principles

b. Between judicial review and parliamentary sovereignty

c. Between regional autonomy and central supremacy

d. Between secularism and religious freedom

Q2. Which constitutional feature most clearly distinguishes Indian federalism from the classical American model?

a. Written Constitution

b. Bicameral legislature

c. Indestructibility of States

d. Distribution of legislative powers

Q3. Parliament's power to reorganise States under Articles 2 and 3 indicates that:

a. States possess inherent sovereignty

b. Federal units derive authority independent of the Constitution

c. Territorial integrity of States is constitutionally guaranteed

d. State boundaries are constitutionally flexible

Q4. The absence of the word "federal" in the Constitution is constitutionally significant mainly because it:

a. Denies the existence of federal principles

b. Allows judicial expansion of unitary features

c. Reflects a deliberately flexible structural design

d. Prevents invocation of federal doctrines

Q5. Which of the following powers most directly strengthens the unitary tilt of the Indian Constitution?

a. Concurrent List

b. Integrated judiciary

c. Emergency powers

d. Judicial review

Q6. The comparison between India and the United States in the passage primarily highlights differences relating to:

a. Fundamental Rights enforcement

b. Amendment procedures

c. Status of constituent units

d. Role of the judiciary

Q7. The constitutional concern underlying Article 356 is best described as:

a. Judicial supremacy over executive action

b. Protection of minority rights

c. Preservation of constitutional governance in States

d. Enforcement of Directive Principles

Q8. The Court's emphasis on "thrust and implications" rather than labels such as "federal" suggests which interpretive approach?

a. Literal interpretation

b. Historical interpretation

c. Purposive interpretation

d. Strict textualism

Q9. India's constitutional commitment to secularism differs from strict separation models because it:

a. Eliminates religion from public life

b. Declares religion irrelevant to governance

c. Maintains principled state neutrality among religions

d. Grants equal financial support to all religions

Q10. The rejection of separate electorates after independence was primarily aimed at preventing:

a. Electoral malpractices

b. Religious majoritarianism

c. Political fragmentation along communal lines

d. Judicial interference in elections

Q11. Dr. Radhakrishnan's conception of secularism most closely aligns with which constitutional idea?

a. Anti-religious state policy

b. State-sponsored pluralism

c. Equal respect without state identification

d. Cultural homogeneity

Q12. Which Part of the Constitution most directly operationalises the idea of secularism discussed in the passage?

a. Part III

b. Part IV

c. Part IX

d. Part XI

Q13. The linkage between secularism and national unity in the passage implies that secularism functions as:

a. A political ideology

b. An administrative convenience

c. A constitutional integrative principle

d. A judicially enforceable policy preference

Q14. If a State government openly pursues policies favouring one religion, the constitutional concern would primarily arise under:

a. Article 14 alone

b. Articles 25–28 alone

c. The basic structure doctrine

d. Directive Principles of State Policy

Q15. The Constituent Assembly's approach to secularism indicates that constitutional morality requires:

a. Suppression of religious identity

b. Uniformity of religious practices

c. Institutional neutrality combined with social tolerance

d. Legislative dominance over religious institutions

Answers

1. Correct Answer: C – Between regional autonomy and central supremacy Explanation: The idea of "quasi-federalism" captures the balance and tension between State autonomy and strong central powers, especially visible in emergency provisions, residuary powers, and State reorganisation.

1. Correct Answer: C – Indestructibility of States Explanation: In the U.S., States are constitutionally indestructible. In India, Parliament can alter or even abolish States, making Indian federalism structurally distinct.

1. Correct Answer: D – State boundaries are constitutionally flexible Explanation: Articles 2 and 3 allow Parliament to reorganise States, showing that territorial integrity of States is not constitutionally entrenched.

1. Correct Answer: C – Reflects a deliberately flexible structural design Explanation: The framers avoided rigid labels to allow the Constitution to function dynamically, adapting between federal and unitary modes as circumstances demand.

1. Correct Answer: C – Emergency powers Explanation: Emergency provisions enable the Centre to assume State functions, representing the strongest unitary override within the federal framework.

1. Correct Answer: C – Status of constituent units Explanation: The comparison highlights that Indian States lack the sovereignty enjoyed by U.S. States, especially regarding permanence and autonomy.

1. Correct Answer: C – Preservation of constitutional governance in States Explanation: Article 356 is designed as a constitutional safeguard to ensure governance according to constitutional norms, not as a routine political tool.

1. Correct Answer: C – Purposive interpretation Explanation: The Court looks beyond terminology to assess the functional impact of constitutional provisions, a hallmark of purposive interpretation.

1. Correct Answer: C – Maintains principled state neutrality among religions Explanation: Indian secularism does not exclude religion from public life but requires the State to treat all religions with equal respect.

1. Correct Answer: C – Political fragmentation along communal lines Explanation: Separate electorates were seen as institutionalising communal divisions, threatening national unity.

1. Correct Answer: C – Equal respect without state identification Explanation: Dr. Radhakrishnan’s view rejects both state atheism and religious establishment, favouring neutrality.

1. Correct Answer: A – Part III Explanation: Articles 25–28 in Part III guarantee freedom of religion while enforcing secular limits on State action.

1. Correct Answer: C – A constitutional integrative principle Explanation: Secularism operates as a unifying force that accommodates diversity while preserving constitutional cohesion.

1. Correct Answer: C – The basic structure doctrine Explanation: Secularism has been held to be part of the basic structure; State policies favouring a religion can trigger constitutional breakdown concerns.

1. Correct Answer: C – Institutional neutrality combined with social tolerance Explanation: Constitutional morality demands that institutions remain neutral while society practices accommodation and tolerance, reflecting the framers' vision.