BLOGS

Practice Paper on Constitutional Law for CLAT PG- Part II

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1. Which of the following doctrines is most directly invoked to test the validity of a constitutional amendment?

A. Doctrine of Eclipse

B. Doctrine of Pith and Substance

C. Doctrine of Basic Structure

D. Doctrine of Colourable Legislation

Answer: C. Doctrine of Basic Structure

Explanation:

The **Doctrine of Basic Structure**, laid down in Kesavananda Bharati v. State of Kerala (1973), is used to test the constitutional validity of amendments to the Constitution. It holds that Parliament can amend the Constitution but cannot alter its "basic structure" or essential features like rule of law, separation of powers, and fundamental rights.

2. In which of the following cases was the power of judicial review under Article 13(2) most comprehensively expanded?

A. Shankari Prasad v. Union of India

B. Golaknath v. State of Punjab

C. Minerva Mills v. Union of India

D. A.K. Gopalan v. State of Madras

Answer: B. Golaknath v. State of Punjab

Explanation:

In **Golaknath (1967)**, the Supreme Court held that Parliament cannot amend Fundamental Rights using its constitutional amendment power, treating constitutional amendments as "law" under Article 13(2). Though this was later diluted in Kesavananda Bharati, it significantly expanded the concept of judicial review.

3. Which of the following is not part of the 'Basic Structure' as expressly recognized in judicial decisions?

A. Judicial Review

B. Federalism

C. Directive Principles of State Policy

D. Free and Fair Elections

Answer: C. Directive Principles of State Policy

Explanation:

While **DPSPs** are fundamental to governance, they are not, **by themselves**, considered part of the Basic Structure. However, elements like **Judicial Review**, **Federalism**, and **Free and Fair Elections** have been expressly recognized as essential features in cases like Indira Gandhi v. Raj Narain and Minerva Mills.

4. Which Article empowers the Parliament to form new states or alter existing boundaries of states?

A. Article 2

B. Article 3

C. Article 4

D. Article 368

Answer: B. Article 3

Explanation:

Article 3 provides for the formation of new states and alteration of the areas, boundaries, or names of existing states. The procedure involves recommendation from the President and consultation with the state legislature(s) concerned.

5. The term 'procedure established by law' under Article 21 was interpreted to mean 'due process of law' in which case?

A. A.K. Gopalan v. State of Madras

B. Maneka Gandhi v. Union of India

C. ADM Jabalpur v. Shivkant Shukla

D. Kesavananda Bharati v. State of Kerala

Answer: B. Maneka Gandhi v. Union of India

Explanation:

In **Maneka Gandhi**, the Supreme Court expanded the meaning of **Article 21**, holding that the "procedure established by law" must be **just, fair, and reasonable**, aligning it with the American concept of **"due process"**.

6. Which Schedule of the Constitution contains provisions related to the disqualification of MPs and MLAs on the ground of defection?

A. Fifth Schedule

B. Eighth Schedule

C. Ninth Schedule

D. Tenth Schedule

Answer: D. Tenth Schedule

Explanation:

The **Tenth Schedule**, added by the **52nd Amendment Act, 1985**, contains the **anti-defection law**, providing for disqualification of elected members on grounds of defection to maintain the integrity of the legislature.

7. In which case did the Supreme Court hold that secularism is part of the Basic Structure?

A. Kesavananda Bharati v. State of Kerala

B. S. R. Bommai v. Union of India

C. Indira Gandhi v. Raj Narain

D. Maneka Gandhi v. Union of India

Answer: B. S. R. Bommai v. Union of India

Explanation:

In **S. R. Bommai**, the Court held that **secularism** is a basic feature of the Constitution. It emphasized that the state must maintain a principled distance from all religions and treat all faiths equally.

8. Which of the following is not a ground for reasonable restriction under Article 19(2)?

A. Sovereignty and integrity of India

B. Friendly relations with foreign states

C. Public order

D. Economic equality

Answer: D. Economic equality

Explanation:

Article 19(2) permits the State to impose reasonable restrictions on the freedom of speech in the interests of public order, decency, morality, etc. **Economic equality** is not listed as a permissible ground.

9. Which Constitutional Amendment removed the Right to Property from the list of Fundamental Rights?

A. 42nd Amendment

B. 44th Amendment

C. 52nd Amendment

D. 93rd Amendment

Answer: B. 44th Amendment

Explanation:

The **44th Constitutional Amendment (1978)** repealed **Article 31**, thereby removing **Right to Property** from Part III of the Constitution. It was made a constitutional/legal right under **Article 300A**.

10. Which of the following correctly describes the nature of Indian federalism as per Supreme Court interpretations?

A. Confederation of States

B. Dual Federalism

C. Quasi-Federal

D. Unitary

Answer: C. Quasi-Federal

Explanation:

India is a **Quasi-Federal** state which is a state that is federal in form but with a strong unitary

bias as interpreted in S.R. Bommai and State of West Bengal v. Union of India. The Centre has overriding powers in many areas.

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