



Super 30 Civils Prelis Batch - Polity Week Test - 02

Syllabus:

Fundamental Rights, Directive Principles & Fundamental Duties

No. of Questions: 50 Marks per Question: 2 Marks(Negative:1/3)

1. Consider the following statements with regard to Fundamental Rights:

1. All the Fundamental Rights mentioned in Part-III of the Constitution provides protection against the arbitrary action of the State and against the private individuals.
2. They are not sacrosanct and the Parliament can curtail or repeal them by a Constitutional amendment or an ordinary act.
3. They are not absolute and during National Emergency, the President by order, shall suspend the operation of Fundamental Rights under Art 19.

Which of the statements given above is/are **incorrect**?

- (a) 1 only
- (b) 1 & 3 only
- (c) 2 & 3 only
- (d) 1, 2 and 3

Correct Answer: (d)

Explanation:

1. All the Fundamental Rights provides protection against the arbitrary action of the State. However, **some of them (not all)** are also available against the action of private individuals.
2. They are not sacrosanct (or permanent). The Parliament can curtail or repeal them **only by a Constitutional amendment** but by an ordinary act.
3. They are not absolute but qualified. The **State** can impose reasonable restrictions and such restrictions are reasonable or not shall be decided by the Courts. Further, during National Emergency, the 6 Fundamental Rights under

Art 19, are **automatically suspended** and no separate order for their suspension is required.

2. The scope of operation of Fundamental Rights are limited by:

1. Art 31A
2. Art 31B
3. Art 31C
4. Art 33
5. Art 34

Which of the statements given above is/are correct?

- (a) 1, 2 & 3 only
- (b) 1, 2, 3 & 5 only
- (c) 4 & 5 only
- (d) All the above.

Correct Answer: (d)

Explanation:

1. 31A. Saving of Laws providing for acquisition of estates, etc.
2. 31B. Validation of certain Acts and Regulations.
3. 31C. Saving of laws giving effect to certain directive principles.
4. Art 33 Power of Parliament to modify the rights conferred by this Part in their application to Armed Forces, para-military forces, police forces, intelligence agencies etc.
5. Art 34. Restriction on rights conferred by this Part while **martial law** is in force in any area.

All the above provisions limits the scope of operation of Fundamental Rights.

3. The definition of "State" under Article 12 includes-

- 1) Executive organs of the Union & State
 - 2) Legislative organs of the Union & State.
 - 3) All local and other authorities within the territory of India or under the control of the Government of India like LIC, ONGC, SAIL etc
- A) 1 only
 - B) 1, 2 only
 - C) 1, 3 only
 - D) All the above.

Answer: (D) – All the above.

Explanation:-

Article 12 - Definition.— In this Part, unless the context otherwise requires, “the State” includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.

Thus, the definition of State includes Executive and Legislative organs of the Union & State, All local authorities i.e., Municipalities, Panchayats, district boards etc, other authorities within the territory of India

4. The concept of Rule of Law, given by A.V. Dicey consists of which of the following elements?

- 1) Absence of arbitrary power – no man can be punished except a breach of law.
- 2) Equality before law – all citizens are subjected to law equally.
- 3) Constitution is the source of individual rights.

- A) 1, 2 Only
B) 2, 3 only
C) 1, 3 only
D) All the above.

Answer: A – 1, 2 Only.

Explanation:-

The concept of Rule of Law, given by A.V. Dicey consists of the following 3 elements:-

- 1) Absence of arbitrary power – no man can be punished except a breach of law.
- 2) Equality before law – all citizens are subjected to law equally.
- 3) Constitution is the result of the individual rights – **Hence 3 is incorrect.**

Note that only 1 & 2 are applicable to Indian System. In India, Constitution is the source of individual rights.

5. Which of the following are regarded as the main features of the “Rule of Law”?

1. Limitation of powers
2. Equality before law
3. People’s responsibility to the government
4. Liberty and civil rights

Select the correct answer using the code given below:

- (a) 1 and 3 only
(b) 1 and 4 only
(c) 1,2 and 4 only
(d) 1, 2, 3, and only

Answer:- C

Explanation:-

Fundamental rights enshrined in part III of the constitution is a restriction on the law making power of the Indian Parliament. The state has got no power to deprive a person of his life and liberty without the authority of law.

The secondary meaning of rule of law is that the government should be conducted within a framework of recognized rules and principles which restrict discretionary powers.

Dicey's Concept of Rule of Law - In his book, the law and the constitution, published in the year 1885, Dicey attributed three meanings to the doctrine of rule of law:

1. Supremacy of Law
2. Equality before the Law
3. Predominance of Legal Spirit

6. If an Indian citizen is denied a public office because of his religion, which of the following Fundamental Right is denied to him?

- A. Right to Freedom
- B. Right to Equality
- C. Right to Freedom of Religion
- D. Right against Exploitation

Answer:- B

Explanation:-

If an Indian citizen is denied a public office because of his religion, he is being denied his fundamental right of Right to Equality. Article 15 (2) states that

*"No citizen shall, on grounds only of **religion, race, caste, sex, place of birth** or any of them, be subject to any disability, liability, restriction or condition with regard to-*

*(a) access to **shops, public restaurants, hotels and places of public entertainment**; or*

(b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public".

Hence, Option B is correct.

7. Consider the following statements with respect to the Right to Equality:

- 1. Equality before law is a positive concept which means the absence of any special privileges in favour of any persons.**
- 2. Where equals and unequals are treated differently, Article 14 does not apply.**

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) 1 & 2
- (d) None

Correct Answer: (b)

Explanation:

RIGHT TO EQUALITY:

Equality before Law and Equal Protection of Laws

1. Article 14 says that the State shall not deny to any person equality before the law or equal protection of the laws within the territory of India. This provision confers rights on all persons whether citizens or foreigners.
2. Moreover, the word 'person' includes legal persons, viz, statutory corporations, companies, registered societies or any other type of legal person.
3. The concept of 'equality before the law' (negative concept) is of British origin while the concept of 'equal protection of laws' has been taken from the American Constitution.

The first concept connotes ('equality before the law'): the absence of any special privileges in favour of any person, the equal subjection of all persons to the ordinary law of the land administered by ordinary law courts, and no person (whether rich or poor, high or low, official or non-official) is above the law.

The second concept, on the other hand ('equal protection of laws'), connotes: the equality of treatment under equal circumstances, both in the privileges conferred and liabilities imposed by the laws, the similar application of the same laws to all persons who are similarly situated, and the like should be treated alike without any discrimination. Thus, the former is a negative concept while the latter is a positive concept. Article 14 **forbids class legislation**, but it permits the reasonable classification of persons, objects and transactions by the law (should not be arbitrary, artificial or evasive). Accordingly, special provisions relating to the upliftment of the SC & ST's, Women & Children, Differently abled, etc.

Confers rights to all persons (citizens and foreigners) and includes Legal Persons.

However, both of them aim at establishing equality of legal status, opportunity and justice. **Hence, statement 1 is not correct.**

The Supreme Court held that where equals and unequals are treated differently, Article 14 does not apply. **Hence, statement 2 is correct.**

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8. Consider the following statements:

1. The Constitution under Art 16 mandates the State to provide reservations in Public employment in in favour of any backward classes, Scheduled Castes & Scheduled Tribes which, in the opinion of the State, is not adequately represented in the services.
2. Art 16 (3) is exception to Art 16 (2).

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) 1 & 2
- (d) None.

Answer : (b).

Explanation:-

Article 16(1) provides for equality of opportunity for all citizens in matters relating to 'employment or appointment' to any office under the State.

Article 16(2) provides that there cannot be any discrimination on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them.

While Article 16(1) & (2) guarantee equal opportunities and prohibit discrimination, Article 16(3) allows Parliament to make laws that prescribe residence in a particular region or state as a condition for certain public appointments, thus creating a limited exception to the broad principle of equality. Hence, statement 2 is correct.

Further, Article 16 is only an enabling provision for the State to provide reservations, but it is not mandatory. Hence, statement 1 is incorrect.

9. Which of the following rights are available to both citizens and foreigners?

1. Article 15
2. Article 21A
3. Article 28.
4. Article 30

- A) 1, 4 Only
- B) 2, 3 only

- C) 1, 3 only
- D) 2, 4 only

Answer: B – 2, 3 Only.

Explanation:- Articles 15, 16, 19, 29, 30 are available only to citizens
Articles 14, 20, 21, 21A, 22-28 are available to both citizens and foreigners.

10. Consider the following statements with regard to Right to Property:

- 1. It is a legal right but not a constitutional right.**
- 2. It is available to any person (both citizens and foreigners).**

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) 1 & 2
- (d) None

Correct Answer: (b)

Explanation:

The Right to Property was a Fundamental Right under Articles 19(1)(f) and 31 in the original Constitution.

The 44th Constitutional Amendment Act, 1978, removed it from the list of Fundamental Rights and made it a legal right under the new Article 300 A.

Article 300A states, "No person shall be deprived of his property save by authority of law".

Even though it is not a Fundamental Right, it continues to be a human right in a welfare state and a **constitutional right enshrined in Article 300-A** of the Constitution.

This constitutional right protects property owners from arbitrary state actions, requiring that the state shall follow established legal procedures for any deprivation of property.

The phrase "**no person**" in Article 300 A indicates that the right is available to both citizens and non-citizens.

11. Which of the following best defines the Principle of Substantive Equality?

- A. The principle that the law must be applied uniformly to all individuals, regardless of their background.
- B. The belief that everyone has equal fundamental rights recognized by the state.
- C. The goal of achieving genuine equality of opportunity by taking steps to address historic discrimination and systemic barriers to ensure equal results for disadvantaged groups.
- D. A concept that ensures that no one is discriminated against in the provision of services.

Correct Answer: (c)

Explanation:

- a) **describes formal equality**, which is the opposite of substantive equality, as it emphasizes equal treatment without considering differing circumstances.
- b) describes a fundamental aspect of equal rights but doesn't encompass the active measures needed for substantive equality.
- c) accurately captures the essence of substantive equality by **highlighting its focus on outcomes, addressing root causes like discrimination, and employing measures to bridge the gap for marginalized groups.**
- d) is a component of both formal and substantive equality, as it's a general goal of justice but doesn't explain how to achieve it through targeted actions.

12. Consider the following statements with respect to the Fundamental Right of Freedom of Association guaranteed under Art 19(1)(c) :

- 1. This right is protected against both by State action and private individuals.
- 2. It includes the Right to form Associations.
- 3. It includes Right of not to form Associations.
- 4. It includes Right to obtain recognition of the Association.

Which of the statements given above is/are correct?

- A) 1, 2 & 3 Only
- B) 2, 3 & 4 only
- C) 2 & 3 only
- D) All

Answer: C – 2 & 3 only.

Explanation:-

- 1. The 6 rights guaranteed under Art 19(1) are protected **against only by State action and not private individuals**. These are available only to citizens and to shareholders of a company.
- 2. Under Art 19(1) (c), all the citizens **have the right to form associations** or unions or co-operative societies.
- 3. It covers the **Right of not to form Associations**.
- 4. Reasonable restrictions can be imposed by the State on the grounds of (i) Sovereignty and integrity of India, (ii) public order and (iii) morality.
- 5. Right to obtain recognition of the Association is **not a fundamental right**.

13. Match the rights under Article 19(1) in List-I with all the reasonable restrictions that can be imposed on them from List-II, and identify how many of the given codes are correct.

	List-I		List-II
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Sl. No.	Rights under Right to Freedom [Art 19 (1)].		Grounds for Reasonable Restrictions
1	Right to freedom of speech and expression	A	sovereignty and integrity of India
2	Right to assemble peaceably and without arms	B	the security of the State
3	Right to form associations or unions or co-operative societies	C	friendly relations with foreign States
4	Right to move freely throughout the territory of India	D	public order
5	Right to reside and settle in any part of the territory of India	E	decency
		F	morality
		G	interests of the general public
		H	protection of the interests of any Scheduled Tribe

Codes:-

1 – A, B, C, D only

2 - A & D only

3 – A, D & E only

4 – G & H only

5 – B & H only.

How many codes given above are correct?**A) 1 Only****B) 2 only****C) 3 only****D) 4 only****Answer: B – 2 only.****Explanation:-**

List-I		List-II
Sl. No.	Rights under Right to Freedom [Art 19 (1)].	Grounds for Reasonable Restrictions
1	Right to freedom of speech and expression	Restricted under Art. 19(2) on grounds of: <ul style="list-style-type: none"> • Sovereignty and integrity of India • Security of the State • Friendly relations with foreign States • Public order • Decency or morality • Contempt of court • Defamation

		<ul style="list-style-type: none"> Incitement to an offence
2	Right to assemble peaceably and without arms	Restricted under Art. 19(3) in the interests of: the sovereignty and integrity of India or public order
3	Right to form associations or unions or co-operative societies	Restricted under Art. 19(4) in the interests of: <ul style="list-style-type: none"> Sovereignty and integrity of India Public order Morality
4	Right to move freely throughout the territory of India	Restricted under Art. 19(5) in the interests of: <ul style="list-style-type: none"> General public interest Protection of the interests of Scheduled Tribes
5	Right to reside and settle in any part of the territory of India	interests of the general public or for the protection of the interests of any Scheduled Tribe
6	to practise any profession, or to carry on any occupation, trade or business.	State can prescribe technical or professional qualifications.

14. Consider the following statements with regard to Abolition of Titles:-

- Prohibits the citizens from accepting any title from any foreign state, without the consent of the President.**
- Prohibits the citizens from accepting any present, emolument from the foreign state, without the consent of the President.**

Which of the statements given above is/are correct?

- 1 Only**
- 2 only**
- 1 & 2**
- None**

Answer: B – 2 only.

Explanation:-

Art 18. Abolition of titles.— (1) **No title**, not being a military or academic distinction, shall be conferred by the State.

(2) No citizen of India shall accept any title from any foreign State.

(3) No person who is not a citizen of India shall, while he holds any office of profit or trust under the State, accept without the consent of the President any title from any foreign State.

(4) No person holding any office of profit or trust under the State shall, without the consent of the President, accept any present, emolument, or office of any kind from or under any foreign State.

Under Art 18 (2), the citizens are prohibited from accepting the **titles** from any foreign State, irrespective of with or without the consent of the President. **Hence, Statement (1) is incorrect.**

Under Art 18 (4), the citizens are allowed to accept any **present, emolument, or office of any kind** from or under any foreign State, with the consent of the President. **Hence, Statement (2) is correct.**

15. Article 19(1) (a) of the Constitution of India states that, "all citizens shall have the right to freedom of speech and expression".

Which of the following rights is/are implicit under the said Article?

- 1. Freedom of Commercial speech**
- 2. Right to Broadcast**
- 3. Right to criticize**
- 4. Right to expression beyond national boundaries**

Select the correct answer using the codes given below.

- (a) 1 and 2 only
- (b) 3 and 4 only
- (c) 1, 2 and 4 only
- (d) 1, 2, 3, and 4

Answer : D

Article 19(1) (a) of the Constitution of India states that, "all citizens shall have the right to freedom of speech and expression". The main elements of right to freedom of speech and expression are as under-

1. This right is available only to a citizen of India and not to foreign nationals.
2. The freedom of speech under Article 19(1) (a) includes the right to express one's views and opinions at any issue through any medium, e.g. by words of mouth, writing, printing, picture, film, movie etc.
3. This right is, however, not absolute and it allows Government to frame laws to impose reasonable restrictions in the interest of sovereignty and integrity of India, security of the state, friendly relations with foreign states, public order, decency and morality and contempt of court, defamation and incitement to an offence.
4. This restriction on the freedom of speech of any citizen may be imposed as much by an action of the State as by its inaction. Thus, failure on the part of the State to guarantee to all its citizens the fundamental right to freedom of speech and expression would also constitute a violation of Article 19(1)(a).

Over the years, judicial creativity, judicial wisdom and judicial craftsmanship have widened the scope of freedom of speech & expression by including in it the following aspects:

1. **Freedom of Press**-Democracy can thrive through vigilant eye of Legislature but also care and guidance of public opinion and press par excellence.
2. **Freedom of Commercial speech**- In Tata Press Ltd. Vs. Mahanagar Telephone Nigam Ltd., the Supreme Court held that a commercial advertisement or commercial speech was also a part of the freedom of speech and expression. **Hence statement 1 is correct.**
3. **Right to Broadcast**- The concept speech and expression has evolved with the progress of technology and include all available means of expression and communication. This would include the electronic and the broadcast media. **Hence statement 2 is correct.**
4. **Right to information**- The freedom of 'speech and expression' comprises not only the right to express, publish and propagate information, its circulation but also to receive information.
5. **Right to criticize**- In S. Rangarajan v/s P. Jagjivan Ram, everyone has a fundamental right to form his opinion on any issues of general concern. Open criticism of government policies and operations is not a ground for restricting expression. Intolerance is as much dangerous to democracy as to the person himself. **Hence statement 3 is correct.**
6. **Right to expression beyond national boundaries**- In Maneka Gandhi vs Union of India, the Supreme Court considered whether Article 19(1)(a) of Indian Constitution was confined to Indian territory and held that the freedom of speech and expression is not confined to National boundaries. **Hence statement 4 is correct.**
7. **Right not to speak or Right to silence is also included in the Right to speech and expression.**

16. Consider the following statements with regard to the protection against Double Jeopardy:-

1. **It is available to both citizens and foreigners.**
2. **It means that a Government employee convicted by the Court of law shall not be again punished by the Departmental / Administrative authorities for the same offence.**

Which of the statements given above is/are correct?

- A) 1 Only
- B) 2 only
- C) 1 & 2
- D) None

Answer: A – 1 Only.

Explanation:-

Art 20(2) states that “**No person shall be prosecuted and punished for the same offence more than once**”. **Hence statement 1 is correct.**

The protection against “Double Jeopardy” is available only in proceedings before a court of law or a judicial tribunal. It is not available in proceedings before Departmental / Administrative authorities as they are not judicial in nature. Hence, even though the government employee is either convicted / acquitted by the Court, separate internal Disciplinary action may be taken by the concerned Departmental / Administrative authorities.

17. Which of the following statements with respect to the Rule of Reservation in Promotions to SC's & ST's are true?

- 1. 85th Constitutional Amendment was enacted to nullify the Indra Sawhney Case.**
- 2. 77th Constitutional Amendment was enacted to nullify the Virpal Singh Chauhan Case.**

- A) 1, Only
- B) 2, only
- C) 1, 2
- D) None

Answer: D - None.

Explanation:-

Indra Sawhney & Ors. Vs. Union of India & Ors (1992) - Article 16(4) does not permit reservations in promotion.

77th Constitution Amendment Act, 1995 inserted Article 16(4A) in the Constitution provides as under:

"16(4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State."

Virpal Singh Chauhan Vs. UOI, 1995 - introduced the “**catch-up rule**” and did away with the principle of consequential seniority and held that when the senior general candidate is promoted, he will regain his seniority vis-a vis his junior reserved candidate, promoted to the higher post earlier than the general candidate as a result of reservation policy. It also held that consequential seniority on promotion post is not covered by Article 16(4A).

85th Constitution Amendment Act, 2001 – Added the term **“consequential seniority”** in Article 16(4A).

*“Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, **with consequential seniority**, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State”.*

18. Consider the following statements relating to the State of Punjab v. Davinder Singh Case (2024)?

- 1. Empowered the States power to sub-classify Scheduled Castes (SCs) and Scheduled Tribes (STs) for reservation in jobs and education.**
- 2. Invoked the principle of Substantive Equality.**
- 3. Overruled the judgement of E.V. Chinnaiah v. State of Andhra Pradesh (2005).**

Which of the statements given above is/are correct?

- (a) 1 and 2 only
- (b) 2 & 3 only
- (c) 1 & 3 only
- (d) 1, 2 and 3

Correct Answer: (d)

Explanation:

In the State of Punjab v. Davinder Singh case of 2024, a seven-judge bench of the Supreme Court, upheld the constitutional validity of sub-classification within the Scheduled Caste (SC) and Scheduled Tribe (ST) categories for reservations.

The Court, in a 6-1 majority, overruled the earlier five-judge bench decision in E.V. Chinnaiah v. State of Andhra Pradesh, allowing states to provide separate quotas to more disadvantaged sub-groups within the SC/ST communities, provided it's justified by quantifiable data and doesn't exclude the larger class.

The Davinder Singh judgment marks a significant shift in reservation jurisprudence, providing much-needed clarity on the ability of states to implement policies that ensure greater equity and **substantive equality** within the Scheduled Castes and Scheduled Tribes. It allows for a more nuanced approach to reservation, recognizing that SCs are not a homogenous group and that some within the community face greater discrimination and underrepresentation.

19. On which of the following, the Parliament shall have the exclusive power to make Legislations to give effect to the provisions of Fundamental Rights:

- 1. Art 16 (3)**

- 2. Art 32 (3)
- 3. Art 33
- 4. Art 34

Which of the statements given above is/are correct?

- (a) 1 & 2 only
- (b) 3 & 4 only
- (c) 1, 2 & 3 only
- (d) All the above.

Correct Answer: (d)

Explanation:

Art 35. Legislation to give effect to the provisions of this Part.—

Notwithstanding anything in this Constitution,—

- (a) Parliament shall have, and the Legislature of a State shall not have, power to make laws—
 - (i) with respect to any of the matters which under clause (3) of article 16, clause (3) of article 32, article 33 and article 34 may be provided for by law made by Parliament; and
 - (ii) for prescribing punishment for those acts which are declared to be offences under this Part,

and Parliament shall, as soon as may be after the commencement of this Constitution, make laws for prescribing punishment for the acts referred to in sub-clause (ii);

20. Which of the following with respect to the Remedies for enforcement of Fundamental rights are true?

- 1. Under Article 32, the Supreme Court has the power to issue different orders / writs for enforcement of Fundamental Rights.
- 2. Parliament may by law also empower any other court to issue the writs for enforcement of Fundamental Rights.
- 3. The Supreme Court has Original Jurisdiction but not the Appellate jurisdiction, in case of enforcement of Fundamental Rights.

- A) 1, 2 Only
- B) 2, 3 only
- C) 1, 3 only
- D) All the above.

Answer: A – 1, 2 only.

Explanation:-

The right to move the Supreme Court for the enforcement of the Fundamental rights is guaranteed under Article Article 32 (1). That means a person who is aggrieved by the violation of his fundamental rights **may directly approach the Supreme Court**. This is what known as “Original Jurisdiction”. Further, any aggrieved person can also approach the High Court under art 226 and if not satisfied with the orders of High Court, he can approach the Supreme Court by filing an appeal. Thus the Supreme Court has both “Original & Appellate Jurisdiction”. **Hence, 3 is incorrect.**

Further, one need to understand that the Supreme Court has Original Jurisdiction, only in case of violation of FR's but not in case of violation of the any other legal rights.

Under Art 32 (2), the Supreme Court has the power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part. **Hence, 1 is correct.**

Art 32 (3) states that “Without prejudice to the powers conferred on the Supreme Court by clauses (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2)”. **Hence, 2 is correct**

21. If a person Raju is kidnapped by an unknown person, then the family members of Raju can file which of the following Writ?

1. Habeas Corpus
2. Mandamus
3. Quo Warranto
4. None

Answer: 4 – None

Explanation:-

The Writ of Habeas Corpus can be sought in the HC / SC when the individual is under illegal detention by the **Authorities** (eg. Police arresting a person without following proper procedure or not filing of FIR etc) **or by any private individual**. In the instant case, Raju is abducted by the unknown person. Even though the unknown person is a Private individual, since his identity is not known, the relief under the Writ of Habeas Corpus cannot be sought as the Writ cannot be issued to a unknown person. Alleast the family members should name a suspect to issue Habeas Corpus. The family members of Raju can only file missing compliant in the concerned Police Station.

Hence, statement 4 is correct.

22. A Tahsildar has failed to take action on the representation of a farmer regarding his land issue. Aggrieved by this, the farmer has approached the High Court. In this context, the High Court can issue which of the following Writ?

1. Quo Warranto

2. Prohibition
3. Certiorari
4. Mandamus

Answer: 4 – Mandamus

Explanation:-

Here, the Tahsildar has failed to do his legitimate duties. Hence, the individual can approach the High Court and request to issue Mandamus Writ to the MRO asking him to perform his official duties that he has failed or refused to perform.

23. Consider the following pairs:

Writ	Ground
1. Quo-Warranto	Excess jurisdiction
2. Certiorari	Illegal usurpation of public office
3. Habeas Corpus	Arbitrary detention
4. Mandamus	directs inactivity
5. Prohibition	directs activity

How many of the given pairs are correctly matched?

- (a) Only one pair
- (b) Only two pairs
- (c) Only three pairs
- (d) All the pairs

Answer: A

Explanation:-

Writs are written orders issued by the Supreme Court or a High Court directing constitutional remedies for Indian citizens who have had their basic rights violated. Habeas Corpus, Mandamus, Certiorari, Quo Warranto, and Prohibition are types of writs.

1. **Habeas Corpus:** It is an order which is issued by the court to a person who has **detained another person to produce the body of the latter before it**. The court then examines the cause and the legality of the detention.
2. **Mandamus:** It is a command which is issued by the court to the public official **asking him to perform the official duties** that he has failed or refused to perform. Thus directs the activity.
3. **Certiorari:** It is issued on the grounds of the excess of jurisdiction or the lack of jurisdiction or error of the law.
4. **Quo-Warranto:** It is issued by the court to inquire into the legality of the claim of the person to the public office. Hence, **it prevents an illegal usurpation of the public office by the person**.
5. **Prohibition :** It is issued by the **Higher courts to prohibit the lower courts, tribunals and other quasi-judicial authorities** from doing something beyond

their authority. It is issued to **direct inactivity** and thus different from Mandamus which directs activity.

Only One pair is correctly matched. Hence option (a) is the correct answer.

24. Which of the following with respect to Preventive Detention are incorrect?

1. If a person is arrested or detained under preventive detention, then he should be produced before the nearest magistrate within twenty-four hours of such arrest.
2. Under Preventive Detention Act, 1950, the maximum period for which a person can be placed under Preventive Detention is 6 months.
3. The Supreme Court in the Golaknath Case, upheld the Preventive Detention Act.

- A) 1, 2 Only
B) 2, 3 only
C) 1, 3 only
D) All the above.

Answer: D.

Explanation:-

Preventive detention means detention of a person without trial and conviction by a court. Its purpose is not to punish a person for a past offence but to prevent him from committing an offence in the near future.

The detention of a person **cannot exceed three months** unless an advisory board reports sufficient cause for extended detention.

Article 22 (1) - No **person*** can be detained in custody without being **informed of grounds of arrest** or shall be **denied right to consult** or be **defended by legal practitioner**.

Article 22 (2) - Every **person*** who is arrested/detained in custody shall be produced before magistrate within 24 hours of such an arrest. No person can be detained beyond 24 hours without the authority of magistrate.

Article 22 (3) - Above two clauses will not apply to a person who is detained in accordance to a law providing for preventive detention.

Article 22 (4) - No **person*** can be detained for more than a period of 3 months unless an advisory board confirms that there is sufficient cause for continuation of such detention.

Exception to Article 22(4) has been provided in Article 22(7) (b) itself.

Article 22 (7) (b) - A **person** can be preventively detained for more than 3 months without opinion of an advisory board if Parliament by law provides-

- (i) Maximum period of such detention.
- (ii) Circumstances, classes of persons and classes of cases to which such a law may apply.

***NOTE – Here the word is “PERSON”. Hence above provisions are applicable for both citizens and foreigners.**

AK Gopalan vs State of Madras, 1950 - SC upheld the validity of Preventive Detention Act, 1950 because of presence of explicit provisions of Art 22(5).

Under Section 11 A of the Preventive Detention Act, 1950, the maximum period for which any person may be detained in pursuance of any detention order shall be **twelve months** from the date of detention.

25. Which of the following with respect to Preventive Detention are incorrect?

1. The detainee shall not have the Right to be informed of the grounds of detention, but he can make a representation against the detention order.
2. The Parliament has the exclusive power to legislate on Preventive Detention in case of maintenance of public order and the maintenance of supplies and services essential to the community.

- A) 1 Only
- B) 2 only
- C) 1 & 2
- D) None.

Answer: D – None.

Explanation:-

Art 22 (5) states that

“When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, **communicate to such person the grounds on which the order has been made** and shall afford him the earliest **opportunity of making a representation** against the order. **Hence Statement 1 is incorrect.**

Art 22 (7) states that

Parliament may by law prescribe—

“(a) the circumstances under which, and the class or classes of cases in which, a person may be detained for a period longer than three months under any law

providing for preventive detention without obtaining the opinion of an Advisory Board in accordance with the provisions of sub-clause (a) of clause (4);

(b) the maximum period for which any person may in any class or classes of cases be detained under any law providing for preventive detention; and

(c) the procedure to be followed by an Advisory Board in an inquiry under sub-clause (a) of clause (4)".

Further, the Parliament has the exclusive power to make laws on Preventive Detention for reasons connected with Defence, Foreign affairs and the security of India.

Both Parliament and State Legislatures concurrently make laws on Preventive Detention for reasons connected with Security of the State, maintenance of public order and the maintenance of supplies and services essential to the community. Hence, Statement 2 is incorrect.

26. Consider the following statements regarding imposition of Martial Law:

- 1. The meaning of Martial Law has been defined in the Constitution under Article 34.**
- 2. It affects both Fundamental rights and Centre-State relations.**
- 3. It suspends the Government and ordinary law courts.**
- 4. Parliament by law can validate forfeiture ordered when martial law was in force.**

Which of the above statements are correct?

- A) 1, 2 Only
- B) 2, 3 only
- C) 3, 4 only
- D) All the above.

Answer: C.

Explanation:-

Martial Law literally means 'military rule'. It refers to a situation where military authorities run the civil administration as per their own rules and regulations. Ordinary law is not adhered when martial law is under operation.

The concept of martial law has been borrowed from English Common Law.

Article 34. Restriction on Fundamental rights while martial law is in force in any area.—

“Notwithstanding anything in the foregoing provisions of this Part, Parliament may by law indemnify any person in the service of the Union or of a State or any other person in respect of any act done by him in connection with the maintenance or restoration of order in any area within the territory of India where martial law was in force or validate any sentence passed, punishment inflicted, forfeiture ordered or other act done under martial law in such area”.

The Constitution has not defined the meaning of the Martial law. **Hence 1 is incorrect.**

Martial Law effects only the Fundamental Rights but not the Centre-State relations. **Hence 2 is incorrect.**

During the Martial Law, the Government and ordinary law courts are temporarily suspended. **Hence 3 is correct.**

Under Art 34, Parliament by law validate any sentence passed, punishment inflicted, forfeiture ordered or other act done under martial law in such area. **Hence 4 is correct.**

27. In the context of the Indian Constitution, consider the following statements:

- 1. The term "minority" is defined in Article 30 of the Indian Constitution.**
- 2. Under Article 28, religious instruction is permitted in educational institutions established under any endowment or trust and administered by the state.**
- 3. Article 29 grants protection only to linguistic minorities.**

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 1 and 2 only
- (c) 2 only
- (d) 3 only

Answer: C

Explanation:-

- The term "Minority" is not defined in the Indian Constitution. However, the Constitution recognizes religious and linguistic minorities. **Hence, statement 1 is not correct.**
- Article 28 prohibits completely state-run educational institutions from giving any religious instructions. However, the restriction is not applicable if the

educational institution is established under any endowment or trust and is administered by the state. **Hence, statement 2 is correct.**

3. Article 29 provides that every section of citizens residing in any part of the country has the right to protect and conserve its own distinct language, script or culture (it provides the right to a group/section/ community of people).
4. Article 29 grants protection to both religious, linguistic as well as cultural minorities. However, the rights are not necessarily restricted to minorities only, as it is commonly assumed to be. It includes minorities as well as the majority. **Hence, statement 3 is not correct.**

28. Which of the following Supreme Court cases is/are related to disputes/ conflicts between Fundamental Rights and Directive Principles of State Policy?

1. IR Coelho Case, 2007
2. Golaknath case, 1967
3. Maneka Gandhi case, 1978
4. Minerva Mill Case, 1980

Select the correct answer using the code given below.

- (a) 1 and 2 only
- (b) 2 and 4 only
- (c) 3 and 4 only
- (d) 1 only

Answer: B

Explanation:-

Cases related to dispute/conflict between Fundamental Right and Directive Principles of State Policy (DPSPs) –

1. **Champakam Dorairajan Case, 1951** - In this case, Supreme Court ruled that in case of any conflict between FRs and DPSPs, **FRs would prevail**. It declared that DPSPs have to conform to and run as subsidiaries to the fundamental right. However, it also held that **FRs could be amended by the Parliament through constitutional amendment acts.** This led to the First, Fourth, and Seventeenth Amendment Act to implement some of the DPSPs.
2. **Golak Nath case, 1967** - In this case, Supreme Court held that Parliament can't take away or abridge any of the Fundamental Rights, which are 'sacrosanct' in nature. Hence, the court held that **Fundamental Rights can't be amended for the implementation of DPSPs.** This led to the enactment of the 24th Amendment Act and the 25 amendment Act which inserted a new Article 31C.

3. **Kesavanand Bharti case, 1973** - In this case, Supreme Court declared the second provision of Article 31C as unconstitutional and invalid on the ground that judicial review is a basic feature of the Constitution. This led to the enactment of the 42nd Amendment Act which gave legal primacy and supremacy to the DPSPs over FRs conferred by Articles 14, 19, and 21.
4. **Minerva Mills case, 1980** - In this case, Supreme Court held the primacy of DPSPs over FRs as unconstitutional and invalid. It led to the subordination of DPSPs over FRs. However, FRs conferred by Articles 14 and 19 were accepted as subordinate to the DPSPs specified under Article 39(b) and (c).
5. The present position is that the FRs enjoy supremacy over DPSPs. However, Parliament can amend the FRs for implementing the DPSP, so long as the amendment doesn't destroy of the basic feature of the constitution.
6. **Maneka Gandhi case, 1978** - It deals with rights guaranteed under Article 21 of the Constitution. Prior to this, there was 'procedure prescribed by law' which was replaced by 'due process of law' with respect to article 21 of the Constitution.
7. **IR Coelho case in 2007**—popularly known as the Ninth Schedule case—the Supreme Court took this further and argued that if the purpose of inserting a law into the Ninth Schedule was to undo a judgment of the Supreme Court, this could be examined by the courts. Also, the Supreme Court held that the laws placed under IX schedule after Kesavananda Bharati's judgment (24th April 1973) cannot be exempt from Judicial review.

29. Which of the following is/are not defined in the Constitution of India?

1. Religious Minority
2. Untouchability
3. Martial Law

Select the correct answer using the code given below.

- A 1 and 2 only
B 1 & 3 only
C 2 & 3 only
D 1, 2 & 3

Answer: D

Explanation :

- The **Constitution of India** mentions various terms but has not defined them thus leaving it up to the courts to interpret the meaning of those terms. **Article 29 and 30 of the Constitution of India** provide special rights to **linguistic and**

religious minorities. However, the **word minority has not been defined anywhere by the Constitution.** The Government of India has declared **Muslims, Jains, Sikhs, Buddhists and Zoroastrians as the religious minorities in India.** But there is no clarity on the definition of the word "minority". **So, point 1 is correct.**

- **Article 17 prohibits untouchability.** There is **no definition of the meaning of Untouchability** either in the Constitution nor is it mentioned in the Protection of Civil Rights Act, 1955. **So, point 3 is correct.**
- **Article 34 of the Constitution of India** gives Parliament the power to indemnify, by law, any person in service of Union or State or any other person with respect to acts done during operation of martial law in an area. **Martial law has not been defined in the Constitution.** Moreover, there is no provision in the Constitution authorising proclamation of martial law. **So, point 4 is correct.**

Therefore, option (d) is the answer.

30. With reference to the right to freedom of religion in India, consider the following statements:

- 1. Right to carry kirpans by the Sikhs is a fundamental right granted by the Constitution.**
- 2. The Supreme Court cannot decide on the essential practices of a religion.**
- 3. It is subject to reasonable restrictions only on the grounds of public order and morality.**

Which of the statements given above is/are correct?

- A 1 only
- B 1 and 2 only
- C 2 and 3 only
- D 1, 2 and 3

Answer: A

Explanation

- 1. Article 25** of the constitution talks about Freedom of religion to all persons. Explanation to the Article explicitly says that carrying of Kirpans by members of the Sikh religion would be constituted as the free profession of Sikh religion. The right granted under Article 25 is not absolute and is subject to reasonable restriction based on public order, morality, health etc. **So, statement 1 is correct.**

2. **The doctrine of essentiality** is a doctrine that has been evolved by courts to protect the essential practices of a religion. As per the doctrine, only the essential practices of religion are granted protection under Article 25 and not any practice. Thus, **through this doctrine, courts try to balance religious morality with constitutional morality**. The Supreme Court in **Ismail Faruqui Case** stated that visiting a mosque is not an essential part of religious practice and namaz can be read at any place. **So, statement 2 is not correct.**
3. **These rights are subject, not just, to public order and morality, but also to health and other provisions relating to fundamental rights.** Further, the State is permitted to (a) regulate or restrict any economic, financial, political or other secular activity associated with religious practice; and (b) provide for social welfare and reform or throw open Hindu religious institutions of a public character to all classes and sections of Hindus. **So, statement 3 is not correct.**

Therefore, option (a) is the correct answer.

31. Match the following:

	Case		Judgement
1	Anuradha Bhasin vs UoI, 2020	A	Right to inclusive digital access to e-governance and welfare delivery mechanisms is a part of the fundamental right to life and liberty.
2	Amar Jain V Union of India and Ors., 2025	B	Validated the constitutionality of the 103 rd Constitutional Amendment, which introduced a 10% reservation for Economically Weaker Sections (EWS) in education and public employment.
3	Janhit Abhiyan v. Union of India (2022)	C	Access to Internet is a Fundamental Right under Article 19(1)(a) and Article 19(1)(g).
4	Aruna Shanbaug Case (2011)	D	Right to die with dignity, allowing passive euthanasia.

Codes:

- A. 1-B 2-C 3-D 4-A**
B. 1-A 2-D 3-C 4-B
C. 1-A 2-C 3-D 4-B
D. 1-C 2-A 3-B 4-D

Answer: D

Explanation:-

Anuradha Bhasin v. Union of India, 2020 – Access to internet as a Fundamental Right

The ruling came in a plea challenging internet shutdown in Kashmir.

The Supreme Court ruled that the freedom of speech and expression through the internet, and the freedom to practice any profession, occupation, trade and commerce through the internet is a fundamentally guaranteed right, under Article 19(1)(a) and Article 19(1) (g) of the Indian Constitution. The Court also added that indefinite suspension of the internet is not permissible, and banning the internet repeatedly by orders under Section 144 CrPC, is an abuse of power.

Amar Jain v Union of India, 2025— **Right to digital access** as a fundamental right **under Article 21** of the Constitution, which guarantees the right to life and personal liberty. The Court ruled that in a world where digital platforms are required to access basic services like banking, healthcare, education, and government programmes, denying equal access to digital content amounts to exclusion and discrimination.

Amar Jain—a lawyer with visual impairment and an advocate for disability rights—filed the case after pointing out that the majority of government websites, mobile applications, and digital services are inaccessible to people with disabilities.

The Court concurred that the state must guarantee everyone's access to digital content, particularly those with disabilities and that such access is a matter of right rather than charity.

Janhit Abhiyan v. Union of India (2022) - Validated the constitutionality of the 103rd Constitutional Amendment, which introduced a 10% reservation for Economically Weaker Sections (EWS) in education and public employment.

Aruna Shanbaug Case (2011): The SC ruled that individuals had a **right to die** with dignity, allowing **passive euthanasia** with guidelines. The need to reform India's laws on euthanasia was triggered by the tragic case of Aruna Shanbaug who lay in a vegetative state (blind, paralysed and deaf) for 42 years.

32. Other than the Fundamental Rights, which of the following parts of the Constitution of India reflect/reflects the principles and provisions of the Universal Declaration of Human Rights?

- 1. Preamble**
- 2. Directive Principles of State Policy**
- 3. Fundamental Duties**

Select the correct answer using the code given below:

- (a) 1 and 2 only
- (b) 2 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

Answer: D

Explanation:-

Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly in 1948, is a milestone document in the history of human rights. It sets out, for the first time, fundamental human rights to be universally protected. The Declaration consists of a preamble and 30 articles, affirming an individual's rights which include, but are not limited to, the right to life, liberty, and security of person; freedom from torture and cruel, inhuman, or degrading treatment or punishment; recognition everywhere as a person before the law; freedom of thought, conscience, and religion; freedom of opinion and expression; the right to work and education; and the right to participate in government and in free elections.

Reflection in the Constitution of India

1. Preamble

The Preamble to the Constitution of India is a brief introductory statement that sets out the guiding purpose and principles of the document. It reflects the spirit of the UDHR through its commitment to justice, liberty, equality, and fraternity. The Preamble declares the intent to secure to all its citizens justice (social, economic, and political), liberty of thought, expression, belief, faith, and worship, equality of status and opportunity, and to promote among them all fraternity, assuring the dignity of the individual and the unity of the nation. These ideals are in harmony with the UDHR's emphasis on human dignity, equality, and freedom.

2. Directive Principles of State Policy

Part IV of the Indian Constitution contains the Directive Principles of State Policy, which set forth the aims and objectives to be taken up by the State in the governance of the country. Although not enforceable by any court, these principles are fundamental in the governance of the country, aiming to create a social and economic framework that reflects the rights and freedoms outlined in the UDHR. For example, Article 39 directs the State to ensure that citizens, men and women equally, have the

right to an adequate means of livelihood, and Article 45 aims to provide early childhood care and education for all children until they complete the age of six years, reflecting the UDHR's emphasis on social security, education, and equality.

3. Fundamental Duties

Introduced by the 42nd Amendment in 1976, the Fundamental Duties are listed in Article 51A of Part IV-A of the Constitution. They complement the Fundamental Rights by urging citizens to perform duties essential for the national interest. Some of these duties, such as respecting the ideals and institutions of the Constitution, promoting harmony, and valuing and preserving the rich heritage of our composite culture, reflect the spirit of the UDHR's call for mutual respect, tolerance, and duties to the community essential for free and full development of one's personality.

33. Consider the following statements relating to DPSP's:

1. They are not enforceable by any court, as mentioned in the Art 36 itself.
2. They are fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.
3. They are group centric and strives to promote Social & Economic Democracy.
4. They serve as standard & crucial test for the performance of the Government.

Which of the above statements is/are correct?

- (a) 1, 3 only
- (b) 1, 2 & 3 only
- (c) 2 & 3 only
- (d) 2, 3 & 4 only

Answer: D

Explanation:-

Art 37 states that : The provisions contained in this Part **shall not be enforceable** by any court, but the principles therein laid down are nevertheless **fundamental in the governance of the country** and it shall be the **duty of the State to apply these principles in making laws.** Hence statement 1 is incorrect and Statement 2 is correct.

Unlike Fundamental Rights which are individual centric and strives to promote Political Democracy and civil rights, the DPSP's are group centric and promotes Social & Economic Democracy. Hence statement 3 is correct.

Even though DPSP's are not enforceable in Courts, many provisions and principles enshrined in Part IV of the Constitution are used by the political parties in their manifestos. Consequently, some of these provisions have been made legally enforceable by the ruling governments. In this way, they serve as a crucial test for the performance of the incumbent government. Hence statement 4 is correct.

34. Consider the following provisions under the Directive Principles of State Policy as enshrined in the Constitution of India:

- 1. Securing for citizens of India a uniform civil code**
- 2. Organising village Panchayats**
- 3. Promoting cottage industries in rural areas**
- 4. Securing for all the workers reasonable leisure and cultural opportunities**

Which of the above are the Gandhian Principles that are reflected in the Directive Principles of State Policy?

- (a) 1, 2 and 4 only
- (b) 2 and 3 only
- (c) 1, 3 and 4 only
- (d) 1, 2, 3 and 4

Answer: B

Explanation:-

On the basis of their content and direction, DPSPs can be classified into three broad categories, viz, socialistic, Gandhian and liberal-intellectual. Gandhian Principles represent the programme of reconstruction enunciated by Gandhi during the national movement. For Ex

- 1) To organise village panchayats and endow them with necessary powers and authority to enable them to function as units of self-government (Article 40).
- 2) To promote cottage industries on an individual or cooperation basis in rural areas (Article 43).

Hence, Statements 2 and 3 are correct.

Statement 1 is incorrect. To secure for all citizens a uniform civil code throughout the country (Article 44) represents the ideology of liberalism.

Statement 4 is incorrect. To secure a living wage, a decent standard of life and social and cultural opportunities for all workers (Article 43) represent the ideology of socialism.

35. Consider the following with respect to the Uniform Civil Code?

- 1. Promotes Secularism**
- 2. Strengthens national unity and integrity**
- 3. Ensures Gender justice and women rights**

Which of the above statements are correct?

- (a) 2 & 3 only
- (b) 3 only
- (c) 1 & 3 only
- (d) All the above

Answer: D

Explanation:-

The Uniform Civil Code (UCC)

A UCC provides for the formulation of one law for the entire country, which would apply to all religious communities in their personal matters such as marriage, divorce, inheritance, adoption, and succession. Currently, Indian personal law is complex, with each religion adhering to its specific laws.

Personal Laws in India:

1. Hindu Succession Act 1956 governs Hindus, Sikhs, Jains and Buddhists
2. Muslim Personal Law governs Muslims
3. Indian Succession Act 1925 applies to Christians, Parsis, and Jews
4. The Special Marriage Act provides for the solemnization of interfaith marriage as well as registration by a Marriage Officer.

The Uniform Civil Code is not just a legal reform, it is a progressive step toward building a more equitable and unified society. Here are the most significant benefits of implementing a UCC in India:

1. Promotes Gender Equality and Women's Rights

Despite constitutional guarantees of equality, many personal laws continue to discriminate against women in family and property matters. UCC offers a way to correct these disparities through a uniform legal framework.

- **Current Challenge:** Many personal laws are discriminatory toward women, e.g., polygamy in Muslim law, unequal inheritance under pre-amendment Hindu law, and restrictive divorce rights for Christian women.
- **UCC's Impact:** Ensures equal rights in matters of marriage, divorce, custody, and inheritance for all genders, regardless of religion.
- **Social Outcome:** Empowers women, especially from marginalised communities, by removing religion-based legal inequality.

2. Ensures Equality Before Law and Social Justice

India's legal system promises equality to all, yet personal laws create unequal treatment based on religious identity. A UCC bridges this gap by applying the same legal standards to every citizen.

- **Constitutional Principle: Article 14** guarantees equality before the law, but personal laws undermine this by applying different rules based on religion.
- **UCC's Role:** Applies one uniform law to all citizens in civil matters, removing special treatment or legal disadvantages tied to religious identity.
- **Broader Impact:** Upholds the vision of a just and fair society as laid out in the Constitution.

3. Strengthens National Unity and Integration

India's diversity is its strength, but legal divisions based on religion can fragment national identity. A uniform civil code creates cohesion by promoting shared civic values.

- **Current Concern:** Different personal laws create divisions between communities and weaken social unity.
- **UCC's Contribution:** Helps people feel united as citizens of one country, with the same basic civil laws for everyone.

4. Simplifies and Modernises Legal Procedures

Navigating personal laws can be complex and inconsistent, especially in interfaith or multicultural contexts. A UCC simplifies legal processes by creating a uniform system for all.

- **Issue Today:** Multiple overlapping personal laws create legal confusion and delays in the judiciary.
- **UCC's Advantage:** Replaces fragmented religious laws with a single, secular framework, streamlining processes in marriage, inheritance, adoption, and divorce.
- **Practical Benefit:** Makes the law easier to understand and apply, especially for ordinary citizens and interfaith couples.

5. Upholds Secularism

While India is constitutionally secular, personal laws based on religion blur the line between state and religion. **UCC reinforces secularism by delinking religion from civil law.**

- **Secular Challenge:** The Current system allows state recognition of religious laws in civil matters, contradicting the secular ethos.
- **UCC's Secular Value:** Ensures civil laws are based on constitutional morality, not religious doctrines.
- **Outcome:** Strengthens the secular character of the Indian State by keeping religion and law separate.

36. Which of the following is/are among the Fundamental Duties of citizens laid down in the Indian Constitution?

1. To preserve the rich heritage of our composite culture
2. To protect the weaker sections from social injustice
3. To develop the scientific temper and spirit of inquiry
4. To strive towards excellence in all spheres of individual and collective activity

Select the correct answer using the code given below:

- (a) 1 and 2 only
- (b) 2 only
- (c) 1, 3 and 4

(d) 1, 2, 3 and 4

Answer: C

Explanation:-

1. The fundamental duties which were added by the 42nd Amendment Act of the Constitution in 1976.
2. They are non-justiciable obligations on the citizens of India.
3. Swaran Singh Committee in 1976 recommended these Fundamental Duties based on the USSR constitution.

The fundamental duties are:

1. Abide by the Indian Constitution and respect its ideals and institutions, the National Flag and the National Anthem.
2. Cherish and follow the noble ideals that inspired the national struggle for freedom
3. Uphold and protect the sovereignty, unity and integrity of India.
4. Defend the country and render national service when called upon to do so.
5. Promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women.
6. **Value and preserve the rich heritage of the country's composite culture.**
7. Protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures.
8. **Develop scientific temper, humanism and the spirit of inquiry and reform.**
9. Safeguard public property and to abjure violence.
10. **Strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.**
11. Provide opportunities for education to his child or ward between the age of six and fourteen years. 86th Constitutional Amendment Act, 2002 added this duty to the constitution.

37. Consider the following statements with respect to Fundamental Duties:

1. The Fundamental Duties were inspired by the Constitution of the USA.
2. Parliament by law can provide for the imposition of appropriate penalty or punishment for failure to fulfil any of them.
3. The Fundamental Duties have been amended only once since their incorporation in the Constitution.

Which of the statements given above is/are correct?

(a) 2 only

- (b) 3 only
- (c) 1 & 2 only
- (d) 2 and 3 only

Answer: D

Explanation:-

In 1976, **Sardar Swaran Singh Committee** was constituted to make recommendations about Fundamental Duties. Though the Swaran Singh Committee suggested the incorporation of eight Fundamental Duties in the Constitution, **the 42nd Constitutional Amendment Act (1976)** included ten Fundamental Duties.

It added a new part, namely, **Part IVA** to the Constitution. This new part consists of only one Article, that is, **Article 51A** which for the first time specified a code of ten fundamental duties of the citizens. The Fundamental Duties in the Indian Constitution are inspired by the **Constitution of erstwhile USSR**. Hence **statement 1 is not correct**.

A new Fundamental Duty - to provide opportunities for education to his child or ward between the age of six and fourteen years. It was added by the **86th Constitutional Amendment Act, 2002**. The Fundamental Duties have been amended only once since their incorporation. Hence **statement 3 is correct**.

Like the Directive Principles, the fundamental duties are also **non-justiciable**. The Constitution does not provide for its direct enforcement by the courts. Moreover, there is not legal sanction against their violation. They help the **courts in examining and determining the constitutional validity of a law**. In 1992, the Supreme Court ruled that in determining the constitutionality of any law, if a court finds that the law in question seeks to give effect to a fundamental duty, it may consider such law to be 'reasonable' in relation to Article 14 (equality before law) or Article 19 (six freedoms) and thus save such law from unconstitutionality.

They are **enforceable by law**. Hence, the **Parliament can provide for the imposition** of appropriate penalty or punishment for failure to fulfil any of them. Hence **statement 2 is correct**.

38. Article 46 of the Constitution of India provides for the promotion of educational and economic interests of:

- 1. Religious minorities.**
- 2. Weaker sections including SCs and STs.**
- 3. Children of industrial workers.**
- 4. Specially Abled persons**

Select the correct answer using the code given below.

- (a) 2 only
- (b) 3 only
- (c) 1 and 3 only
- (d) 2 and 4 only

Answer: A

Explanation:-

Article 46 of the Constitution provides that the state shall “promote with special care **the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes**, and shall protect them from social injustice and all forms of exploitation”.

To secure the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement is provided under Article 41.

To provide early childhood care and education for all children until they complete the age of six years is provided Article 45.

39. In the Constitution of India, the provisions related to the protection of forest and environment are enshrined in which of the following?

- 1. Fundamental Rights**
- 2. Directive Principles of State Policy**
- 3. Fundamental Duties**
- 4. Seventh Schedule**

Select the correct answer in the code given below.

- (a) 1 and 3 only**
- (b) 2 and 3 only**
- (c) 2, 3 and 4 only**
- (d) 1,2,3 and 4**

Answer: C

Explanation:-

When the Constitution of India was adopted in 1950, the framers had not foreseen the importance of environmental preservation. This aspect did receive attention later and, in 1976, the 42nd amendment incorporated protection of wildlife and forests in **the Directive Principles**.

It also included forests and protection of wild animals in the Concurrent List – **Seventh Schedule (Article 256) of the Constitution**.

It is now enshrined in **Article 51 A (g)** of the Constitution that it shall be the **fundamental duty** of every citizen to protect and improve the natural environment including forests and Wildlife.

The **Directive Principles of State policy – Article 48 A**, mandates that the **State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country**.

The protection of forest and environment **was not explicitly mentioned in the Constitution under the Fundamental Rights**. But as per the Supreme Court judgements, the Right to good Environment is a Fundamental right under Art 21. Hence, statement 1 is incorrect.

40. With reference to the Constitution of India, the Directive Principles of State Policy constitute limitations upon

- 1. legislative function.**
- 2. executive function.**

Which of the above statements is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Answer: D

Explanation:-

The **Directive Principles of State Policy (DPSP)**, as a unique feature of the Indian Constitution, aims to guide the nation toward the **establishment of a just and equitable society**.

The Directive Principles of State Policy (DPSP) in the Indian Constitution are **not enforceable by the courts and do not constitute limitations on any specific government function, legislative, judicial, or executive**.

Instead, they are **guidelines for the state to frame policies and legislation that promote social and economic justice**. While they provide a broad framework for governance, **they are not justiciable**, meaning that the courts cannot enforce them in the same manner as fundamental rights. But they can be enforced by the law made by the Parliament / State legislatures.

41. Match List-I (Article of Indian Constitution) with List-II (Provisions) and select the correct answer using the codes :

	List-I (Article of Indian Constitution)		List-II (Provisions)
1	Article 39A	A	State to raise the level of nutrition to improve public health
2	Article 48	B	Minimize the inequalities in income
3	Article 47	C	Organization of agriculture
4	Article 38(2)	D	Equal justice and free legal aid

Codes :

- (a) 1-B 2-C 3-A 4-D
 (b) 1-B 2-A 3-C 4-D
 (c) 1-D 2-C 3-A 4-B
 (d) 1-C 2-D 3-B 4-A

Answer: C

Explanation:-

38. State to secure a social order for the promotion of welfare of the people.—

(1) The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.

(2) The State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.

39A. Equal justice and free legal aid.—The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

47. Duty of the State to raise the level of nutrition and the standard of living and to improve public health.—The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.

48. Organisation of agriculture and animal husbandry.—The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle.

42. Match List-I (Constitutional Amendments) with all the relevant Articles added to the DPSPs in List-II) and select the correct answer using the codes :

	List-I (Constitutional Amendments)		List-II (relevant Articles added to the DPSPs)
1	42nd CAA 1976	A	Art 38(2)
2	44th CAA 1978	B	Art 39(f)

3	86 th CAA 2002	C	Art 39 A
4	97 th CAA 2011	D	Art 43 A
		E	Art 43 B
		F	Art 45
		G	Art 48 A

Codes :

1-A, B, D, G

2-C

3-F

4-E

How many codes given above are correct?

A) 1 only

B) 2 only

C) 3 only

D) All the above.

Answer: B – 2 only.

Explanation:-

	Constitutional Amendments	Relevant Articles added to the DPSPs)
1	42 nd CAA 1976	Added Art 39(f), Art 39A, 43A, 48A Shifted 5 subjects from the State list to Concurrent list – Education, Forest, Weights & Measures, Protection of Wild Animals and Birds, and Administration of Justice
2	44 th CAA 1978	Art 38(2) – Minimise income inequalities
3	86 th CAA 2002	Art 45 – ensures early childhood education for children upto age 6
4	97 th CAA 2011	Art 43 B – Cooperative societies

43. Consider the following with respect to the Personality Rights:

1. The key components / categories of the Personality Rights are Right to Freedom and Right to Publicity.
2. The Supreme Court in Krishna Kishore Singh vs Sarla A Saraogi Case, 2021, upheld the Posthumous Personality Rights of the individual.

Which of the above are correct?

(a) 1 only

(b) 2 only

- (c) Both
- (d) None

Answer: D

Explanation:-

Personality rights refer to the right of a person to protect his/her personality under the right to property or privacy.

1. Personality rights are important to celebrities as their names, image or voices can be easily misused in various advertisements by different companies to enhance their sales (commercial purposes).
2. It becomes important for celebrities/renowned persons to register their names to protect their personality rights.
3. A celebrity acquires his/her celebrated status through intellectual, emotional and physical efforts. Hence, only a celebrity can authorise the manner in which his/her name, goodwill and reputation can be used and successfully exploited commercially. This exclusive right needs legal protection from being encroached upon by people willing to ride on the fame of celebrities.

Personality Rights Types - two types.

1. **The Right to Publicity** - The right to keep one's image or likeness from being **commercially exploited** without permission or contractual compensation, which is similar (however, not identical) to the use of a trademark. Publicity rights are governed by statutes like the Trade marks Act 1999 and the Copyright Act 1957.
2. **The Right to Privacy** - The right to not have one's personality represented publicly without permission.

Hence, statement 1 is incorrect.

Posthumous Personality Rights in India: There is no specific statutory recognition protecting Posthumous Personality Rights. However, Emblems Act, 1950 prohibits commercial use of images of Mahatma Gandhi and Prime Minister.

Deepa Jayakumar v. AL Vijay (2019) Judgment: Personality right, reputation or privacy enjoyed by a person during his lifetime comes to an end after his or her lifetime.

Krishna Kishore Singh vs Sarla A Saraogi Case, 2021: The Supreme Court (SC) ruled that rights to privacy, publicity, and personality are not inheritable and cease upon the actor's death.

Hence, Statement 2 is incorrect.

44. Consider the following:

	List-I (Supreme Court Cases)	List-II (issues on which Guidelines were issued)
1	Vishakha v. State of Rajasthan, 1997	Sexual harassments of women at workplace
2	Arnesh Kumar v. State of Bihar (2014).	Phone tapping
3	PUCL vs Union of India Case	Prevention of arbitrary arrests and protection of individual liberties
4	Prakash Singh v. Union of India, 2006	Police reforms and appointment of DGP

How many pairs are correctly matched?

- (a) 1 only
- (b) 2 only
- (c) 3 only
- (d) All

Answer: B

Explanation:-

	List-I (Supreme Court Cases)	List-II (issues on which Guidelines were issued)
1	Vishakha v. State of Rajasthan, 1997	Sexual harassments of women at workplace
2	Arnesh Kumar v. State of Bihar (2014).	Prevention of arbitrary arrests and protection of individual liberties
3	PUCL vs Union of India Case	Phone tapping
4	Prakash Singh v. Union of India, 2006	Police reforms and appointment of DGP

45: Consider the following statements about the Inner Line Permit (ILP) and Protected/Restricted Areas in India:

1. The Inner Line Permit (ILP) is an official travel document required only for foreign tourists to enter protected states like Arunachal Pradesh, Nagaland, Mizoram, and Manipur.
2. The ILP system was introduced under the Bengal Eastern Frontier Regulation Act of 1873 to regulate the entry of outsiders into certain areas.
3. Under the Foreigners (Protected Areas) Order, 1958, the entire states of Arunachal Pradesh, Manipur, Mizoram, and Nagaland are designated as Protected Areas.

4. The Andaman & Nicobar Islands are classified as a Restricted Area under the Foreigners (Restricted Areas) Order, 1963, but do not require an ILP for Indian citizens.

Which of the following is correct?

- a. Only one statement is correct.
- b. Only two statements are correct.
- c. Only three statements are correct.
- d. All four statements are correct.

Correct Answer: b. Only two statements are correct.

Explanation:

- **Statement 1: Incorrect.** The Inner Line Permit (ILP) is required for Indian citizens from outside the specified states (Arunachal Pradesh, Nagaland, Mizoram, and Manipur) to enter these protected states. For foreign tourists, a Protected Area Permit (PAP) is required, not an ILP.
- **Statement 2: Correct.** The ILP system was introduced under the Bengal Eastern Frontier Regulation Act of 1873 by the British to restrict the entry and stay of outsiders in certain areas to protect their interests.
- **Statement 3: Correct.** Under the Foreigners (Protected Areas) Order, 1958, the entire states of Arunachal Pradesh, Manipur, Mizoram, and Nagaland are designated as Protected Areas.
- **Statement 4: Incorrect.** The Andaman & Nicobar Islands are classified as a Restricted Area under the Foreigners (Restricted Areas) Order, 1963, and foreign tourists require a Restricted Area Permit (RAP). However, Indian citizens do not require an ILP to visit the Andaman & Nicobar Islands, as the ILP regime applies only to specific states (Arunachal Pradesh, Nagaland, Mizoram, and Manipur).

1. Inner Line Permit (ILP)

- **Origin:** Under the Bengal Eastern Frontier Regulation, 1873.
- **Purpose:** To regulate entry of Indian citizens (from other states) into certain states/regions to protect tribal culture, land, and traditions.
- **Who needs it?** Indian citizens (outsiders) require ILP; foreigners do not need ILP, but they need PAP/RAP in some of these areas.
- **Areas Covered (as of now):**
 - Arunachal Pradesh
 - Nagaland
 - Mizoram
 - Manipur (added in 2019)

2. Protected Area Permit (PAP)

- **Origin:** Governed under Foreigners (Protected Areas) Order, 1958.
- **Purpose:** Security reasons — many of these areas are close to international borders.
- **Who needs it?** Foreigners (both tourists and others). Indians do not need PAP.
- **Validity:** Usually valid for 1 month, and issued to groups of at least 2 persons (not solo, except in special cases).
- **Areas Covered:**
 - Entire states of Arunachal Pradesh, Mizoram, Nagaland
 - Parts of Sikkim, Himachal Pradesh, Uttarakhand, Rajasthan, Jammu & Kashmir, etc.

3. Restricted Area Permit (RAP)

- **Origin:** Under Foreigners (Restricted Areas) Order, 1963.
- **Purpose:** More sensitive than PAP areas, mainly for strategic & security reasons (naval bases, tribal protection).
- **Who needs it?** Foreigners require RAP; Indians do not.
- **Validity:** Usually valid for 30 days (extendable).
- **Areas Covered:**
 - Andaman & Nicobar Islands
 - Lakshadweep Islands
 - Parts of Sikkim

□ Key Differences

Aspect	ILP	PAP	RAP
Who needs it?	Indians (outsiders)	Foreigners	Foreigners

Purpose	Protect tribal culture & land	Security (border areas)	Higher security (sensitive zones)
Legal Basis	Bengal Eastern Frontier Regulation, 1873	Foreigners (Protected Areas) Order, 1958	Foreigners (Restricted Areas) Order, 1963
Examples	Arunachal, Nagaland, Mizoram, Manipur	Arunachal, Mizoram, Nagaland, parts of border states	Andaman & Nicobar, Lakshadweep, parts of Sikkim

□ In short:

- ILP = Indians need permit (tribal protection)
- PAP = Foreigners need permit (border security)
- RAP = Foreigners need permit (highly sensitive areas, stricter than PAP)

46. Consider the following statements with reference to the "procedure established by law" and "due process of law":

1. Doctrine of 'Due process of law' checks for procedural correctness of law only.
2. Doctrine of 'Procedure Established by Law' checks both the procedural correctness as well as fairness of a law.
3. American Constitution provides for 'procedure established by law' against that of 'due process of law' contained in the Indian Constitution.

How many statements given above are correct?

- [A] Only one
[B] Only two
[C] All three
[D] None

Answer: D

Explanation:-

Procedure Established by Law means that a law that is duly enacted by the legislature or the concerned body is valid if it has followed the correct procedure. Following this doctrine means that, a person can be deprived of his life or personal liberty according to the procedure established by law.

Supreme Court, while determining the constitutionality of a law, however examines only the substantive question i.e., whether the law is within the powers of the authority concerned or not. It is not expected to go into the question of its reasonableness, suitability or policy implications”.

Whereas the **due process of law** gives wide scope to the Supreme Court to grant protection to the rights of its citizens. It can declare laws violative of these rights void not only on substantive grounds of being unlawful, but also on procedural grounds of being unreasonable.

The scope of judicial review power of the Supreme Court in India is narrower than that of what exists in US. This is because the American Constitution provides for ‘due process of law’ against that of ‘procedure established by law’ contained in the Indian Constitution.

In case of *Maneka Gandhi vs UoI*, 1970, the SC interpreted the procedure established by law as the due process of law.

Q47. Which of the following statements correctly distinguishes Parole from Furlough?

1. Parole is granted on emergency or humanitarian grounds, while furlough is granted periodically for reformation.
2. Parole is a legal right of the prisoner, while furlough is only at the discretion of authorities.
3. The period spent on parole is counted as part of the sentence, while furlough is not.

Options:

- a) Only one statement correct
- b) Only two statements correct
- c) Three statements correct
- d) None of the statements correct

Answer: a) Only one statement correct

Explanation:

- Statement 1 – Correct: Parole is for emergencies (illness, death, marriage), while furlough is periodic for social reintegration.

- **Statement 2 – Incorrect: Parole is not a right; it's discretionary. Furlough is a legal right, subject to conditions.**
- **Statement 3 – Incorrect: Period spent on parole is NOT counted, but furlough is counted as part of the sentence.**

1. Parole

- Definition: Conditional temporary release of a prisoner, usually due to emergency or humanitarian grounds.
- Purpose: To allow the convict to deal with specific situations like:
 - Serious illness/death of family member
 - Marriage in the family
 - Other emergencies
- Duration: Granted for a short and specific period.
- Frequency: Can be granted multiple times if justified.
- Discretion: It is not a right; it's given at the discretion of prison authorities or the government.
- Counting of Sentence: Period of parole is not counted as part of the sentence.

2. Furlough

- Definition: Release of a prisoner for a short fixed period after regular intervals to enable them to maintain social ties and reintegrate with society.
- Purpose:
 - Acts as a reformatory measure
 - Helps maintain prisoner's family and social bonds
 - Provides motivation for good conduct inside prison
- Duration: Usually longer than parole (e.g., 14 days).
- Frequency: Granted periodically (e.g., once a year after serving a certain portion of sentence).
- Right vs Discretion: Considered a legal right if the prisoner fulfills the conditions (subject to conduct and eligibility).
- Counting of Sentence: Period of furlough is counted as part of the sentence.

□ In short:

- Parole = Emergency relief (not a right, not counted in sentence).
- Furlough = Rehabilitative break (a right if conditions met, counted in sentence).
-

48: Consider the following statements about the 'rarest of rare' doctrine in India:

1. The Supreme Court formally established the 'rarest of rare' doctrine in *Bachan Singh vs. State of Punjab* (1980), holding that the death penalty should only be imposed in exceptional cases.
2. The Government of India laid down a five-factor framework for determining when a case qualifies as 'rarest of rare'.

Which of the following is correct?

- a. Only statement 1 is correct.
- b. Only statement 2 is correct.
- c. Both statements 1 and 2 are correct.
- d. Neither statement 1 nor statement 2 is correct.

Correct Answer: a. Only statement 1 is correct.

Explanation:

- **Statement 1:** Correct. The Supreme Court of India, in *Bachan Singh vs. State of Punjab* (1980), formally established the 'rarest of rare' doctrine. It held that the death penalty under Section 302 of the Indian Penal Code should be imposed only in exceptional cases where the crime is so heinous that it shocks the conscience of society, and life imprisonment is inadequate.
- **Statement 2:** Incorrect. The 'rarest of rare' framework was not laid down by the Government of India but by the Supreme Court in *Bachan Singh vs. State of Punjab* (1980). The Court provided guidelines, considering factors such as the nature of the crime, the manner of its commission, the motive, the magnitude of the crime, and the personality of the victim, to determine whether a case qualifies as 'rarest of rare'. No specific "five-factor framework" was explicitly defined by the Government.

49. Consider the following statements:

1. Cooperative Societies is an item in state subject.
2. Multi-State Cooperative Societies are regulated by the Union Government.

Which of the above statements are correct?

- A. 1 only
- B. 2 only
- C. Both 1 and 2
- D. Neither 1 nor 2

Correct Answer: B

Explanation:

The item "Cooperative Societies" is a State Subject in the 7th Schedule under entry 32 of the State List in the Constitution of India. It confers power on the State legislatures to make laws pertaining to incorporation, regulation and the winding up of cooperative societies.

Multi-State Cooperative Societies come under the Union Government. All members in a Cooperative Society have equal rights in handling the internal affairs. The surplus generated by these societies is dispensed equally among the members.

50. Consider the following statements regarding Article 14 of the Indian Constitution and class legislation:

- 1. Article 14 prohibits class legislation but allows reasonable classification if it is based on a clear distinction and serves a legitimate purpose.**
- 2. Class legislation is allowed under Article 14 if it favors a specific group without any logical reason.**
- 3. The doctrine of reasonable classification under Article 14 requires that the classification must be based on a meaningful difference and must be connected to the law's objective.**

Which of the following is correct?

- a. Only one statement is correct.
- b. Only two statements are correct.
- c. All three statements are correct.
- d. None of the above.

Correct Answer: b. Only two statements are correct.

Explanation:

Statement 1: Correct. Article 14 of the Indian Constitution ensures equality before the law and prohibits **class legislation**, which is arbitrary discrimination favoring or targeting a specific group without reason.

However, it allows **reasonable classification** if there's a clear distinction (intelligible differentia) between groups and the **classification serves a valid purpose (rational nexus)**. For example, giving scholarships to students below a certain income level is allowed because it's based on economic need and aims to promote education.

- Statement 2: Incorrect. Class legislation is not allowed under Article 14. It refers to laws that unfairly favor or discriminate against a group without a logical or reasonable basis. For instance, a law giving benefits only to people with a specific surname would be arbitrary and unconstitutional.

- Statement 3: Correct. The doctrine of reasonable classification, developed through cases like **Ram Krishna Dalmia vs. Justice S.R. Tendolkar** (1958), states that a law can classify groups if the difference is meaningful (e.g., based on age, profession, or economic status) and connected to the law's goal (e.g., public welfare or justice). For example, a law reserving jobs for women in certain sectors is valid if it addresses gender disparities.