



AIBE

ALL INDIA BAR EXAMINATION

SUBJECT WISE PYQ'S

2011 - 2025

MAPPED WITH NEW CRIMINAL LAWS



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CHAPTER

Constitutional Law

Previous Year Exam Questions

1. Which of the following is correct in relation to the formation of a new State from the territory of existing States?

- (1) Parliament has the authority to admit a new State into the territory of India under Article 3 of the constitution of India
- (2) Parliament may create a new State as a part of the Union of India under Article 3 of the Constitution, but only if the legislatures of the States pass a resolution with two-thirds majority to that effect.
- (3) The Legislatures of the States affected may create a new State as a part of the Union of India by passing a resolution with two-thirds majority to that effect.
- (4) Parliament may create a new State from the territory of existing States under Article 3 of the Constitution, on the recommendation of the President, and if the bill for this purpose has been referred to the legislatures of the States affected for their views, and the time period for receiving such views has expired.
- (5) Parliament may create a new State from the territory of existing States under Article 4 of the Constitution; in order to do this, it must amend the provisions of the First and Fourth Schedule of the Constitution accordingly, and need not pass any other resolution.

Ans: (4)

(AIBE 2011)

2. Which provision of the Constitution gives the State authority to provide for reservation of appointments or posts in the services under the State in favour of any backward class of non-citizens which in the opinion of the State is not adequately represented in these services under the State?

- | | |
|---------------------------------------|---------------------------------------|
| (1) Article 13 of the Constitution | (2) Article 15(3) of the Constitution |
| (3) Article 15(4) of the Constitution | (4) Article 16(4) of the Constitution |
| (5) None of the above | |

Ans: (5)

(AIBE 2011)

3. Which of the following writs may the Supreme Court use to inquire into the legality of a claim that a person asserts to a public office, and to remove such a person from the public office if the claim is not well-founded?

- | | |
|---------------------------|--------------------------|
| (1) Writ of Mandamus | (2) Writ of Quo Warranto |
| (3) Writ of Habeas Corpus | (4) Writ of Certiorari |
| (5) Writ of Prohibition | |

Ans: (2)

(AIBE 2011)

4. Which of the following is most correct in respect of a Money Bill?

- (1) Money Bill may only be introduced in the House of the People; once it is passed by the House of the People, it is sent to the Council of States, which may send it back to the House of the People along with its recommendations and proposed amendments, if any. The House of the People, however, is not bound by such recommendations and proposed amendments.

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- (2) A Money Bill may only be introduced in the Council of States; once it is passed by the Council of States, it is sent to the House of the People, which may send it back to the Council of States along with its recommendations and proposed amendments, if any. The Council of States, however, is not bound by such recommendations and proposed amendments.
 - (3) A Money Bill may be introduced in either House of Parliament; once it is passed by the House in which it is introduced, it is sent to the other House, which may send it back to the House in which it was introduced along with its recommendations and proposed amendments, if any, and the House in which the Money Bill was introduced is not bound by such recommendations and proposed amendments.
 - (4) A Money Bill may be introduced in either House of Parliament; once it is passed by the House in which it is introduced, it is sent to the other House, which may send it back to the House in which it was introduced along with its recommendations and proposed amendments. House, which may send it back to the House in which it was introduced along with its recommendations and proposed amendments, if any, and the House in which the Money Bill was introduced is bound by such recommendations and proposed amendments.
 - (5) A Money Bill may only be introduced by a member of the Council of Ministers in either House of Parliament, and need not be sent to the other House. Once the House in which it was introduced passes the Money Bill, it is sent directly to the President for the President's assent, upon receipt of which, it becomes law.

Ans: (1)

(AIBE 2011)

5. **A five-judge Bench of the Supreme Court passes judgment in a matter. In a later case before a High Court, a party presents the Supreme Court judgment as a binding authority. The opposing party claims that the High Court is not bound by the Supreme Court's judgment because relevant provisions of law were not brought to the notice of the Supreme Court in that case. Which of the following is most correct in this case?**

Principle: Article 141 of the Constitution provides that the law declared by the Supreme Court is binding on all courts within the territory of India.

- (1) Since the relevant provisions of law were not brought to the notice of the Supreme Court, the five-judge Bench's decision is not 'law' within the meaning of Article 141, and is not binding on the High Court.
- (2) The Supreme Court must expressly declare that its judgment is binding on all courts within the territory of India when passing judgment. In this case, the Supreme Court has not done so, and therefore, the decision of the five-judge Bench is not binding on the High Court.
- (3) The High Court cannot ignore the decision of the Supreme Court on the ground that relevant provisions of law were not brought to its notice. Under Article 141, it is bound by the decision of the Supreme Court.
- (4) Only those decisions that are passed by a larger Bench than the five-judge Bench would be binding on the High Court, since legitimate doubts have been raised about the propriety of the five-judge Bench's decision.
- (5) The decision of the five-judge Bench, since it is in conflict with other decisions, must first be decided upon by a larger Bench on the Supreme Court. Only after that would the decision be binding on all other courts under Article 141 of the Constitution.

Ans: (3)

(AIBE 2011)

6. **Company A made sales of bricks, which were supplied from outside a State, to several purchasers within the State. The State levies a tax on these sales. Can the State levy such a tax?**
Principle: A State may not impose, or authorize the imposition of, a tax on the sale or purchase of goods if such sale or purchase takes place outside the State, or in the course of import of the goods into India, or the export of the goods outside India.

- (1) The State cannot levy such a tax, since the delivery of the bricks within the State was a result of a covenant or an incident of the contract of sale, that the bricks would be supplied in the State from a place outside the State. The sales were, therefore, inter-State sales, and the State cannot levy a sales tax on them.
- (2) The State cannot levy such a tax, since the delivery of the bricks within the State cannot be considered as a sale occurring within the State; in order that the State can levy such a tax, it is necessary to confirm that the bricks were not imported into India.
- (3) The State cannot levy such a tax, since there is no provision in the Constitution allowing a State to levy a tax on sales; this power is vested exclusively in the Union Government.
- (4) The State can levy such a tax, since the sale of the bricks had occurred within the territory of the State; the delivery of the bricks from outside the State would have non-impact on this matter.
- (5) The State can levy such a tax, since the purchasers were located within the territory of the State; the fact that the seller was outside the State or that the bricks were being delivered from outside the State, would have no impact on the matter.

Ans: (5)

(AIBE 2011)

7. **A held an office under a State Government. A was not entitled to receive any salary or compensation under the terms of office, but was entitled to claim reimbursement of expenses incurred in the course of discharge of A's duties. The terms of office provided a limit on the expense that could be incurred, and that would be reimbursed. Later, A stands for election to the State Legislature, and is elected. A member of the opposing party challenges A's membership in the State Legislature on the ground that A holds an office of profit under the government. Which of the following is most accurate in this case?**

Principle: Article 102 of the Constitution provides that any person who holds an office of profit under the Government of India or the government of any State is disqualified from being chosen as, and for being, a member of either House of Parliament.

- (1) The Challenge will fail, since it should have been raised at the time of election, or when nomination papers were filed, rather than after the elections have been conducted and A has already become a member of the House.
- (2) The Challenge will fail, since A is not entitled to any salary or compensation under the terms of office. As such, it cannot be said that A held an "office of profit" under the State Government.
- (3) The Challenge will succeed, since the challenge was to A's membership in the House, and can be raised even after the elections are over.
- (4) The challenge will succeed, since the amount of compensation or allowances paid to A under the terms of office are irrelevant; the reimbursement allowance itself is enough to constitute an "office of profit".
- (5) None of the above.

Ans: (2)

(AIBE 2011)

8. Assume that the immigration laws of India state that "All these persons to whom this Act extends shall have the right of abode in India and shall be free to live in India and to come and go into and from India". What does 'come and go into and from India' signify?

Principle: The principle reddendo singular states that where a complex sentence has one subject, and more than one object, the provision is to be read distributively by applying each object to its appropriate subject.

- (1) It means that the person shall be free* to come into India but cannot go from India.
- (2) It means that the person shall be free to go into India and to roam within India.
- (3) It means that the person shall be free to come into India and to go from India.
- (4) It means that the person shall be free to go from India but then cannot come back to India.
- (5) It means that a person who resides in India cannot either come to India or go from India.

Ans: (3) (AIBE 2011)

9. The General Clauses Act, 1897, provides:

- (1) Only the general clauses that are deemed to be a part of contracts unless the contract expressly provides otherwise.
- (2) A ranking order for different statutes to determine which statute prevails in the event of conflicts between statutes.
- (3) Only clauses that are deemed to be a part of all arbitration agreements.
- (4) Only general clauses that are deemed to be a part of all statutes, unless the statute in question expressly provides otherwise.
- (5) Definitions for commonly used words in the legislation.

Ans: (4) (AIBE 2011)

10. H.L.A. Hart defines 'law' as:

- (1) A command of the sovereign, enforceable by sanction.
- (2) Moral principles that can be discovered by human reason.
- (3) A union of primary and secondary rules.
- (4) Rules that are in accordance with reason.
- (5) Objective moral principles that depend on the essential nature of the universe.

Ans: (3) (AIBE 2011)

11. In which jurisprudential school is the qualitative difference between 'ought' and 'is' asserted?

- (1) Inclusive Legal Positivism.
- (2) Natural Law.
- (3) Exclusive Legal Positivism.
- (4) Interpretative theory.
- (5) Critical theory.

Ans: (2) (AIBE 2011)

12. Hohfeld devised a matrix to enable the understanding of specific legal concepts. According to him, which of the following are jural correlatives?

- (1) Liberty and duty.
- (2) Privileges and right.
- (3) Right/claim and duty.
- (4) Right and no-right.
- (5) Privilege and liberty.

Ans: (3) (AIBE 2011)

13. **A killed B's parents and was tried for murder. However, A was acquitted for lack of conclusive evidence as C, a key eyewitness, turned hostile during the trial. B now wishes to kill A as 'punishment for causing the deaths of B 's parents'. B also wishes to kill C for helping A to evade punishment. Which of the following statements is the most accurate application of the principle below?**

Principle: According to J.S. Mill's 'harm principle', the legitimate basis on which society can interfere with the liberty of an individual is to ensure prevention of harm to others.

- (1) Society now has no legitimate basis to stop B from killing A as it failed to prevent A from killing B 's parents; however, it can prevent B from killing C because C did not directly harm B 's parents.
- (2) Society has a legitimate basis to stop B from killing A and C because it can interfere with B 's liberty to prevent harm to A and C.
- (3) Society has a legitimate basis to stop B from killing C ; however, according to the 'doctrine of clean hands', A will not be protected because he is guilty of violating the 'harm principle' in the first place.
- (4) Society has a legitimate basis to attempt to prevent B from killing A and C because B wishes to harm them; however, if B succeeds in killing them despite the society's preventive measures, society has no legitimate basis to punish B as they failed to punish B in the first place.
- (5) Society has a legitimate basis to stop B from killing A and C because it can interfere with A's liberty to prevent harm to A and C; however, it can choose not to in order to ensure that A and C do not harm anyone else.

Ans: (2)

(AIBE 2011)

14. **A certain locality lacks a proper drainage system for discharge of water, as a result of which, dirty water from houses and rainwater was accumulating in its lanes. Growth of moss and insects in the area increased the possibility of an epidemic. In light of the principle below, what remedies are available to the residents?**

Principle: Articles 32 and 226 of the Constitution empower the Supreme Court as well as the High Courts to issue writs, directions, or orders.

- (1) Only a criminal case may be filed against the municipal authorities.
- (2) Only a civil suit may be filed against the municipal authorities.
- (3) Only a tortious action may be filed against the municipal authorities.
- (4) The residents may seek redress either from the High Court or the Supreme Court under writ jurisdiction of those courts.
- (5) The residents have no remedy.

Ans: (4)

(AIBE 2011)

15. **A divorcee applies to a prominent government school in her city for the admission of her child. The child, who is otherwise eligible for admission, is denied admission in the school as his father's name is not mentioned in the application. The school does not accept the mother as the natural guardian of the child stating that only the father of a minor child can be the natural guardian. A move is made to the court and the court claims the decision of the school was discriminatory towards women and deprived mothers of the guardianship rights to their own children during the lifetime of the father. Which of the following statements is the most accurate application of the principle below?**

Principle: The State is prohibited from discriminating against any person on the grounds of religion, race, caste, sex, place of birth, or any of them. However, equal treatment of persons not similarly situated may result in greater discrimination and inequality.

- (1) A will not succeed as the government, which is empowered to treat persons not similarly situated in a different manner, has done so.
- (2) A will not succeed as the father of the child is a natural guardian of the child and she cannot enter his name in the application form.
- (3) A will succeed as the school's policy discriminates against the father of the parent and incorrectly holds that the mother cannot be a guardian of her child.
- (4) A will not succeed as equal treatment of the mother and the father will result in greater inequality and discrimination.
- (5) A will not succeed as a mother and a father are not equally placed and the father's role in guardianship cannot be equal to that of the mother.

Ans: (3)

(AIBE 2011)

16. **D, a national of Country A, is wanted by the authorities of Country B on charges of having been involved in terrorist attacks in Country B. He is seized by Country B's special forces from his hideout in Country C. The authorities of Country C were not contacted for consent. The correct legal position in international law would be:**

Principle: For certain grave crimes, a State is allowed to exercise universal jurisdiction.

- (1) It is a violation of Country C's territorial sovereignty.
- (2) It is not a violation of Country C's territorial sovereignty owing to the gravity of the crime, which allows for universal jurisdiction.
- (3) International law does prohibit a State from exercising jurisdiction in respect of any case, which relates to acts that have taken place on its territory by a foreign national.
- (4) It is a violation of Country A's sovereignty as Country B did not seek its consent before arresting its national and it is a violation of Country C's territorial sovereignty as Country B did not seek its consent before seizing D from its territory.
- (5) It is a violation of Country A's sovereignty as D was a national of Country A.

Ans: (1)

(AIBE 2011)

17. **Which Article of the Constitution of India has been interpreted by the Supreme Court to include the right to a wholesome environment?**

Principle: Enjoyment of life, including the right to live with human dignity, encompasses within its ambit the protection and preservation of the environment, ecological balance free from pollution of air and water, and sanitation, without which life cannot be enjoyed.

- (1) Article 19(1)(a).
- (2) Article 19(1)(g).
- (3) Article 246 read with Schedule VII.
- (4) Article 14.
- (5) Article 21.

Ans: (5)

(AIBE 2011)

18. **Certain tribal forest dwellers were ousted from their forestland by a government agency in order to implement a power project. This ouster was challenged before a court. In light of the principle provided below, what is the court likely to do?**

Principle: The right to life includes the right to livelihood. This right has been used to check governmental action with an environmental impact that threatens to dislocate poor people and disrupt their lifestyle.

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- (1) The court will most likely unconditionally uphold the ouster.
 - (2) The court will most likely direct the closure of the power plant and the return of the forestland to the tribal forest dwellers.
 - (3) The court will most likely permit the acquisition of the land only after the government agency agrees to provide certain court-approved facilities to the forest dwellers.
 - (4) The court will most likely permit the acquisition of the land; it may not request the government agency to provide certain court-approved facilities to the forest dwellers.
 - (5) The court will most likely direct the closure of the power plant and direct the government agency to provide certain court-approved facilities to the forest dwellers.

Ans: (3)

(AIBE 2011)

19. Which of the following matters does the Parliament have the power to make laws on?

- (1) Entries in List I in Seventh Schedule of the Constitution of India.
- (2) Entries in Lists I and II in Seventh Schedule of the Constitution of India.
- (3) Entries in Lists II and III in Seventh Schedule of the Constitution of India.
- (4) Entries in Lists I and III in Seventh Schedule of the Constitution of India.
- (5) Entries in Lists I, II and III in Seventh Schedule of the Constitution of India.

Ans: (4)

(AIBE III JAN 2012)

20. Which of the following is a fundamental right that a foreign national residing in India enjoys?

- (1) The right to assemble peaceably and without arms.
- (2) The right to carry on a business.
- (3) The right to move freely throughout the territory of India.
- (4) The right against deprivation of personal liberty.
- (5) The right to reside in any part of India.

Ans: (4)

(AIBE III JAN 2012)

21. Which of the following writs is used to challenge the legality of a claim that a person asserts to a public office, and to remove such a person from the public office if the claim is not well-founded?

- (1) Quo warranto.
- (2) Habeas corpus.
- (3) Mandamus.
- (4) Certiorari.
- (5) Prohibition.

Ans: (1)

(AIBE III JAN 2012)

22. Which of the following statements is most accurate about a judgment of the High Court of a State?

- (1) It is binding on administrative tribunals of that State.
- (2) It is binding on all administrative tribunals in India.
- (3) It is of persuasive value to an administrative tribunal of that State.
- (4) It has no value to any of the administrative tribunals in India.
- (5) It has no value to an administrative tribunal of that State.

Ans: (1)

(AIBE III JAN 2012)

23. A State passes a legislation making it mandatory for all persons riding two-wheelers within the State to wear helmets. This rule extends not only to the driver, but also to any passenger on a two-wheeler. A two-wheeler rider, A, challenges the legislation on the ground that it violates A's fundamental right under Article 19(1)(d) of the Constitution of India to move freely throughout the territory of India. Will the challenge succeed?

Principle: Article 19(1)(d) of the Constitution of India provides that all citizens shall have the right to move freely throughout the territory of India. Article 19(2) and (5) of the Constitution of India provides that the State may impose reasonable restrictions on the exercise of the right under Article 19(1)(d) in the interests of the general public.

- (1) Since the rule that makes helmets for two wheeler riders does not exist in other States, it is arbitrary and unreasonable. As such, it violates the fundamental right under Article 19(1)(4) and must be struck down.
- (2) The safety of persons riding two-wheelers cannot be said to be in the interest of the 'general public'.
- (3) The rule that makes helmets compulsory is a reasonable restriction on the right under Article 19(1) (d), and moreover, is in the interests of the general public. Therefore, the challenge will not succeed.
- (4) The rule that makes helmets compulsory, if struck down, would affect the right to carry on any occupation, trade, or business of the helmet manufacturers, and therefore cannot be struck down.
- (5) The rule that makes helmets compulsory is a reasonable restriction on the right under Article 19(1)(d), but it must be imposed by the Central Government for it to be valid. Hence, the rule will be struck down.

Ans: (3)

(AIBE III JAN 2012)

- 24. The Panchayats Act of a State provides that all matters relating to criminal trespass shall be decided by the Nyaya Panchayat of that area. The Panchayats Act also provides that no lawyer may plead a case before a Nyaya Panchayat. A is arrested on a charge of criminal trespass, and is produced before the relevant Nyaya Panchayat. A demands access to a lawyer, but is denied. Which of the following is most correct?**

Principle: Article 22(1) of the Constitution, which is a fundamental right, provides that no person who is arrested shall be detained in custody without being informed, as soon as possible, of the grounds for such arrest, nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.

- (1) A has the right to consult a legal practitioner, and to be defended by one. However, this right would be overruled by the provisions of the Panchayats Act.
- (2) Promoting local self-government is one of the constitutional ideals, and individual liberties cannot be allowed to hamper the development of such ideals. As such, A does not have the right to consult or be defended by a legal practitioner.
- (3) A may consult a legal practitioner. However, it cannot be argued that merely appearing before a Nyaya Panchayat on criminal grounds requires a 'defence'. As such, A does not have the right to ask for a lawyer when appearing before the Nyaya Panchayat.
- (4) A has the right to consult a legal practitioner, and to be defended by a legal practitioner. However, this right would only come into operation if A is convicted of the offence of criminal trespass, and not before.
- (5) The State cannot make a law that is in contravention of the fundamental rights. As such, A has the right to consult and be defended by a legal practitioner before the Nyaya Panchayat.

Ans: (5)

(AIBE III JAN 2012)

- 25. A, an advocate, is found to have committed contempt of the Supreme Court by trying to influence a Judge of the Court. A's punishment for contempt, the Supreme Court directs that A's licence to practice as an advocate be cancelled. Can the Supreme Court do this?**

Principle: Article 129 of the Constitution provides that the Supreme Court is a Court of Record. This means that its acts and judicial proceedings are recorded for perpetual memory and testimony; and that it has the authority to fine and imprison for contempt of itself.

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- (1) Yes, the Supreme Court can cancel A's licence to practice as an advocate because it is a Court of Record and has the power to punish for contempt of itself. Category A
 - (2) Yes, the Supreme Court can cancel A's licence to practice as an advocate, since it is the highest Court in the land, and an advocate who is in contempt of the Supreme Court should not have a right to practice.
 - (3) No, the Supreme Court cannot cancel A's licence to practice, since an advocate's licence to practice, once granted, is irrevocable on any ground whatsoever.
 - (4) No, the Supreme Court cannot do this since its powers of punishment for contempt may extend to fine and imprisonment but not to cancelling an advocate's licence to practice.
 - (5) No, the Supreme Court cannot do this, since the act that A committed is not committed within the boundaries of an advocate's duties and responsibilities, and therefore is entirely unconcerned with the right to practice.

Ans: (4)

(AIBE III JAN 2012)

26. **X was denied a job in a government department on account of being HIV positive, despite possessing necessary qualifications for the post. X filed a petition challenging the denial of the job. The petitioner argued that the said denial was arbitrary, unreasonable, and infringes X's right under Article 14 and 21 of the Constitution of India. In light of these facts, which of the following statements is the most accurate application of the principle below?**

Principle: The right to life guaranteed under Article 21 of the Constitution of India includes the right to livelihood. The right is born out of the right to life, as no person can live without means of living. No person shall be deprived of his right to livelihood except according to procedure established by law. Such procedure should be just, fair, and reasonable.

- (1) X's petition will fail because X's HIV-positive status would be a threat to public health.
- (2) X's petition will succeed because X has the necessary qualifications.
- (3) X's petition will fail because the right to livelihood is not an absolute right.
- (4) X's petition will succeed because no person can be deprived of the right to livelihood merely on the ground of being HIV positive.
- (5) X's petition will fail because X was denied a job according to procedure established by law, and this is an exception to the right to livelihood.

Ans: (4)

(AIBE III JAN 2012)

27. **A was arrested and detained under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974. The detention order prevented A from meeting A's lawyer more than once a month. A filed a petition challenging the constitutional validity of the detention order, which restricted A from meeting A's lawyer. In light of these facts, which of the following statements is the most accurate application of the principle below? Principle: According to Article 22 of the Constitution of India, "No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice."**

- (1) A will succeed because the detention order violates Article 22 of the Constitution of India, as it restricts the right of the accused to consult a lawyer of choice.
- (2) A will not succeed because the restriction stipulating that A can meet a lawyer once a month is a reasonable restriction.
- (3) A will succeed because A has the right to meet anyone A wants to.
- (4) A will not succeed because A is a detainee and has no fundamental rights.
- (5) A will not succeed because the order of detention is invalid exercise of authority.

Ans: (1)

(AIBE III JAN 2012)

28. Country A signs an international treaty, whose primary objective is to ensure that its member countries do not conduct any nuclear tests. Country A does provide a reservation that it be allowed to conduct nuclear tests in its own territory, even though its current policy is not to conduct any nuclear tests. Which of the following statements most accurately applies the principle below?

Principle: A State can be regarded as being a party to a treaty if that State's reservations are compatible with the object and purpose of the international instrument.

- (1) Country A won't be regarded as a party to the treaty because the reservation is not compatible with the object of the treaty.
- (2) Country A will be regarded as a party to the treaty because the treaty's objective is at least partly fulfilled.
- (3) Country A will be regarded as a party to the treaty, provided it doesn't actually conduct any tests.
- (4) Country A will be regarded as a party to the treaty when it passes a domestic law in line with its policy that it conducts no tests.
- (5) Country A won't be regarded as a party if it conducts any nuclear tests.

Ans: (1) (AIBE III JAN 2012)

29. The father of which of the leader has been the Deputy Prime Minister of India?

- (1) Kumari Mayawati;
- (2) Mrs. Meira Kumar;
- (3) Mrs. Pratibha Devi Singh Patil;
- (4) Mrs. Vasundhara Raje.

Ans: (2) (AIBE IV DEC 2012)

30. Who was the Constitutional Advisor to the Constituent Assembly of India?

- (1) Dr. Rajendra Prasad;
- (2) Dr. B.R Ambedkar;
- (3) B. N Rao;
- (4) Jawaharlal Nehru.

Ans: (3) (AIBE IV DEC 2012)

31. The concept of 'Judicial Review' in India is based on:

- (1) Procedure established by law;
- (2) Due process of law;
- (3) Rule of law;
- (4) International treaties and convention.

Ans: (1) (AIBE IV DEC 2012)

32. Protection of environment is a:

- (1) Constitutional Duty;
- (2) Directive Principle;
- (3) Fundamental Duty;
- (4) Both (B) & (C).

Ans: (4) (AIBE IV DEC 2012)

33. The item 'Education' belongs to the:

- (1) Union List;
- (2) State List;
- (3) Concurrent List;
- (4) Residuary Subjects.

Ans: (3) (AIBE IV DEC 2012)

34. While interpreting the phrase "equality before the law" contained in Article 14 of the Constitution, the Supreme Court constantly maintained that equality means:

- (1) Absolute equality among human beings;
- (2) Equal treatment to all persons;
- (3) Among equals, the law should be equal and should be equal and should be equally administered;
- (4) Both (2) & (3).

Ans: (3) (AIBE IV DEC 2012)

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- 35. The number of Fundamental Rights available in Constitution of India are:**
(1) Six ; (2) Seven; (3) Eight; (4) Ten.
Ans: (1) (AIBE IV DEC 2012)
- 36. Which one of the following Fundamental Rights was described by Dr. B.R. Ambedkar as 'the heart and soul of the Constitution'?**
(1) Rights to equality; (2) Rights to Freedom of Religion;
(3) Rights to Constitutional Remedies; (4) All the above.
Ans: (3) (AIBE IV DEC 2012)
- 37. What is the period of appointment of the Comptroller and Auditor-General of India**
(1) 6 years;
(2) Upto 65 years of age;
(3) 6 years or 65 years of age whichever is earlier;
(4) Upto 62 years of age.
Ans: (3) (AIBE IV DEC 2012)
- 38. Which of the following Writs is a bulwark of personal freedom?**
(1) Quo Warranto; (2) Mandamus ; (3) Habeas Corpus; (4) Certiorari.
Ans: (3) (AIBE IV DEC 2012)
- 39. Supremacy of law, Equality before law, and predominance of legal Spirit are the basic principles of doctrine of**
(1) Colorable Legislation; (2) Doctrine of 'Separation of Powers';
(3) Doctrine of 'Rule of Law'; (4) Doctrine of 'Excessive delegation'.
Ans: (3) (AIBE IV DEC 2012)
- 40. "Rule of Law is the antithesis of arbitrariness in all civilized societies. It has come to be regarded as mark of a free society. It seeks to maintain the balance between the opposite notions of individual liberty and public order" this was opined by whom in famous 'Habeas Corpus' case?**
(1) Justice H.R Khanna; (2) Cheif Justice Ray;
(3) Justice Chandrachud; (4) Justice 'Bhagwati'.
Ans: (1) (AIBE V AUG 2013)
- 41. It was held by the Supreme Court of India that preamble was not a part of the constitution in the case of ___ and this has been overruled in the case of ___**
(1) In re Berubari Union; Keshavananda Bharathi vs. State of Kerala
(2) A. K.Gopalan vs. State of Madras; Maneka Gandhi vs. Union of India
(3) Ajay Hasia vs. Khalid Mujib; Som Prakash vs. Union of India
(4) I.C. Golaknath vs. State of Punjab ; Shankari Prasad vs. Union of India
Ans: (1) (AIBE V AUG 2013)
- 42. By the Constitution (97th Amendment) Act, 2011 the following word has been inserted under Art. 19(1) (3)**
(1) Democratic Societies (2) Registered Societies
(3) Cooperative societies (4) Cooperative managements
Ans: (3) (AIBE V AUG 2013)
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43. Doctrine of Legitimate Expectation was discussed in the following case

- (1) Ramakrishna Dalmia Vs. Justice Tendolkar
- (2) M.C. Mehta Vs. Union of India
- (3) State of U.P Vs. Deoman
- (4) Food Corporation of India Vs. M/s. Kamdhenu Cattle Feed Industries

Ans: (4) (AIBE V AUG 2013)

44. The Supreme Court in Selvi&Ors. vs State of Karnataka held that compulsory brain mapping and polygraph tests and narco analysis were in violation of the following Articles of the Constitution.

- (1) Art. 23 and 24
- (2) Art. 15 and 16
- (3) Art. 29 and 30
- (4) Articles 20 and 21

Ans: (4) (AIBE V AUG 2013)

45. "Passive Euthanasia is permitted in certain cases "held in

- (1) Aruna Ramachandra Shanbaug Vs. Union of India
- (2) GianKaur Vs. State of Punjab
- (3) P. Rathinam Vs. Union of India
- (4) State of Maharashtra Vs. Chandraben

Ans: (1) (AIBE V AUG 2013)

46. Equal pay for Equal work - can be enforced through:

- (1) Art. 39
- (2) Art. 14 and 16
- (3) Art. 311
- (4) Art. 301

Ans: (2) (AIBE V AUG 2013)

47. The executive power of every State shall be so exercised as to ensure compliance with the laws made by Parliament and any existing laws mentioned under:

- (1) Art. 352
- (2) Art. 256
- (3) Art. 254
- (4) Art. 301

Ans: (2) (AIBE V AUG 2013)

48. Justice Ramanandan Committee relates to

- (1) Union State relations
- (2) Creamy layer
- (3) Finance Commission
- (4) Elections

Ans: (2) (AIBE V AUG 2013)

49. Original Jurisdiction of the Supreme Court is dealt under

- (1) Art. 226
- (2) Art. 130
- (3) Art. 131
- (4) Art. 124

Ans: (3) (AIBE V AUG 2013)

50. Laws declared by the Supreme court shall be binding on all courts - mentioned under

- (1) Art. 142
- (2) Art. 143
- (3) Art. 136
- (4) Art. 141

Ans: (4) (AIBE V AUG 2013)

51. In Selvi's case, the Supreme Court of India examined the constitutionality of tests like Narco Analysis, Polygraph and Brain Mapping on the touchstones of

- (1) Art, 20 (3) and Art. 21
- (2) Art. 21 and Art.23(B)
- (3) Art 23 and Art. 21
- (4) Art.20(2) and Art.20(1)

Ans: (1) (AIBE VI JAN 2014)

52. New states are created under

- (1) Art. 3 of the Indian Constitution
(3) Art. 5 of the Indian Constitution

- (2) Art. 4 of the Indian Constitution
(4) Art. 370 of the Indian Constitution

Ans: (1)

(AIBE VI JAN 2014)

53. Doctrine of pleasure with reference to civil servants is mentioned under

- (1) Art. 311 of the Indian Constitution
(3) Art. 301 of the Indian Constitution

- (2) Art. 308 of the Indian Constitution
(4) Art. 310 of the Indian Constitution

Ans: (4)

(AIBE VI JAN 2014)

54. Right to know flows from one of these Articles of the Constitution

- (1) Art. 15

- (2) Art. 19

- (3) Art. 20

- (4) Art. 23

Ans: (2)

(AIBE VI JAN 2014)

55. Freedom of trade, commerce and intercourse throughout the territory of India - is mentioned under

- (1) Art. 19(1) (g)

- (2) Art. 300 A

- (3) Art. 301

- (4) Art. 299

Ans: (3)

(AIBE VI JAN 2014)

56. Passive euthanasia under certain circumstance is permissible - held in the case of

- (1) Aruna Ramachandra Shanbaug Vs. Union of India

- (2) Gian Kaur Vs State of Punjab

- (3) State of Maharashtra Vs. Maruty Sripaty Dubal

- (4) P. Rathinam Vs Union of India

Ans: (1)

(AIBE VI JAN 2014)

57. It was held by the Supreme Court that the balance between Fundamental Rights and Directive Principles of State Policy is the bedrock and the basic structure of the constitution - in which case?

- (1) Keshavanada Bharathi v State of Kerala

- (2) Minerva Mills Vs.UOI

- (3) Indira Nehru Gandhi v Rajnarain

- (4) Kihota Hollohon v. Zachilhu

Ans: (2)

(AIBE VI JAN 2014)

58. K. C. Gajapati Narayan Deo v. State of Orissa; is often quoted with reference to

- (1) Doctrine of Eclipse

- (2) Doctrine of severability

- (3) Doctrine of colorable legislation

- (4) Doctrine of territorial nexus

Ans: (3)

(AIBE VI JAN 2014)

59. Raja Ram Pal v. Hon'ble Speaker, Lok Sabha deals with

- (1) Presidents' election

- (2) Privileges of the legislature

- (3) Pardoning power

- (4) Office of profit

Ans: (2)

(AIBE VI JAN 2014)

60. Under Art. 1 of the Constitution, India that is Bharat shall be

- (1) Federation of states

- (2) Union of states

- (3) Democratic republic

- (4) Quasi_federal

Ans: (2)

(AIBE VI JAN 2014)

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- 61. A Minister ceases to hold office if he does not become a member of the Legislature within six months - is mentioned under**
- (1) Art. 164 (4) (2) Art. 164(1)
(3) Art. 164(2) (4) Art. 164 (3)
- Ans: (1) (AIBE VI JAN 2014)**
- 62. Right to freedom to acquire, hold and dispose -off property is abolished by**
- (1) 44th Amendment Act, 1978 (2) 43 rd Amendment Act, 1976
(3) 50 th Amendment Act, 1950 (4) I st Amendment Act, 1951
- Ans: (1) (AIBE VII SEPT 2014)**
- 63. Which one of the following is covered under the definition of State**
- (1) The Indian Statistical Institute (2) Indian Council of Agricultural Research
(3) Sainik School Society (4) NCERT
- Ans: (4) (AIBE VII SEPT 2014)**
- 64. The Constitution of India has recognized the concept of tribunals as instruments of quasi-judicial administrative adjudication**
- (1) Art 39 (a) and 39(b) (2) Art 323 -A and 323-B
(3) Art. 368 (4) Art.202A and 202B
- Ans: (5) (AIBE VII SEPT 2014)**
- 65. The question whether the Fundamental Rights can be amended under Art. 368 came for consideration first time in**
- (1) Shankari Prasad v. Union of India (2) KeshavanandaBharati v. Union of India
(3) GolakNath v. State of Punjab (4) None of the above
- Ans: (1) (AIBE VII SEPT 2014)**
- 66. A law which violates fundamental rights is not nullity or void-ab-initio but becomes only unenforceable, this doctrine is called as**
- (1) Doctrine of severability (2) Doctrine of 3 points
(3) Tornado doctrine (4) Doctrine of eclipse
- Ans: (4) (AIBE VII SEPT 2014)**
- 67. Equality of opportunity admits discrimination with reasons, It was observed by apex court in**
- (1) State of Kerala v. N.M. Thomas (2) Indira Sawhney v. Union of India
(3) AIR India v. Nargesh Mirza (4) All the above
- Ans: (1) (AIBE VII SEPT 2014)**
- 68. The Sampoorna Grameen Rozgar Yojana (Universal Rural Employment Programme) was launched in 2001 and was implemented through**
- (1) Labour offices (2) Government
(3) Panchayati Raj Institutions (4) All the above
- Ans: (3) (AIBE VII SEPT 2014)**

69. Selvi's daughter Kavita had married Shivakumar of a different caste against the wishes of her family. Shivakumar was brutally killed in 2004, and Selvi and two others became the suspects. Since the prosecution's case depended entirely on circumstantial evidence, it sought the court's permission to conduct polygraphy and brainmapping tests on the three persons. The court granted permission and the tests were conducted. When the results of the polygraph test indicated signs of deception, the prosecution sought the court's permission to perform narco analysis on the three persons. The magistrate directed the three to undergo narco analysis. All of them challenged this decision in the Karnataka High Court, but failed to get relief They then went in appeal to the Supreme Court. The Court held

- (1) Compulsory brain-mapping and polygraph tests and narcoanalysis were in violation of Articles 20(3) and 21 of the Constitution.
- (2) Compulsory brain-mapping and polygraph tests and Narcoanalysis were valid under Articles 20(3) and 21 of the Constitution.
- (3) Compulsory brain-mapping and polygraph tests and narcoanalysis were in violation of Articles 20(1) and 21 of the Constitution.
- (4) Compulsory brain-mapping and polygraph tests and narco analysis were in violation of Articles 14 and 21 of the Constitution.

Ans: (1)

(AIBE VIII MAY 2015)

70. According to Art. 71 Disputes arising in connection with the elections of a President or Vice-President are to be enquired into and decided by

- (1) The Supreme Court
- (2) High Court
- (3) Both by High Court and Supreme Court
- (4) Tribunal established for that purpose.

Ans: (1)

(AIBE VIII MAY 2015)

71. If by imposing solitary confinement there is total deprivation of comradeship (friendship) amongst prisoners coming and taking and being talked to, it would offend Art. 21 of the Constitution. The liberty to move, mix, mingle, talk, share company with prisoners if substantially curtailed would be violative of Art. 21 -This was held in the case of

- (1) Sunil Batra Vs. Delhi Administration AIR 1978 SC 1675
- (2) Kishore Singh Vs State of Rajasthan AIR 1981 SC 625
- (3) D.K. Basu Vs State of West Bengal AIR 1997 SC 610
- (4) Parmanand Katara Vs Union of India - AIR 1989, SC 2039

Ans: (1)

(AIBE VIII MAY 2015)

72. In State of Karnataka Vs Union of India AIR 1978 SC 68, Appointment of a commission by the Union government under S. 3(A) of the Commission of Inquiry Act (60 of 1952) to look into the charges of corruption etc against the Chief Minister and other Ministers of a state was challenged. It was held,

- (1) Arbitrary under Art. 14
- (2) Violates federal principle
- (3) Jurisdiction of the Court is ousted and hence violates the Basic Structure of the Constitution
- (4) Federal Structure is not jeopardized.

Ans: (4)

(AIBE VIII MAY 2015)

73. Equality is a dynamic concept with many aspects and dimensions and it cannot be "cribbed, cabined and confined" within traditional and doctrinaire limits. From a positivistic point of view, equality is antithetic to arbitrariness. In fact equality and arbitrariness are sworn enemies - this was stated in the case of

- (1) Jespar & Slong v. State of Meghalaya, AIR 2004 SC 3533
- (2) Vajravelu Mudiliar Vs. Special Dty Collector, AIR 1965 SC 1017
- (3) E. P. Royappa v. State of T.N. AIR 1974 S C 555
- (4) In Punjab Communication Ltd. v. Union of India 1999 (4) SCC 727

Ans: (3) (AIBE VIII MAY 2015)

74. Directive Principles are

- (1) justifiable as fundamental rights
- (2) justifiable but not as fundamental rights
- (3) decorative portions of Indian Constitution
- (4) not justifiable, yet fundamental in the governance of the country

Ans: (4) (AIBE IX MARCH 2016)

75. Who has the power to dissolve the Lok Sabha

- (1) President
- (2) Prime Minister
- (3) Speaker of Lok Sabha
- (4) Council of Ministers

Ans: (1) (AIBE IX MARCH 2016)

76. An amendment of the Constitution can be initiated by introduction of Bill for such purpose in

- (1) Council of States
- (2) House of People
- (3) either in council of States or House of people
- (4) none of the above

Ans: (3) (AIBE IX MARCH 2016)

77. Which of the following is true in respect of a Government contract which does not conform to provisions of Article 299 of the Constitution

- (1) They are not enforceable in court against the parties
- (2) They can be rectified by the Government
- (3) Both A and B
- (4) Neither A nor B

Ans: (1) (AIBE IX MARCH 2016)

78. Which of the following are included in the concept of "State" under Article 12

- (1) Railway Board and Electricity Board
- (2) Judiciary
- (3) University
- (4) All of the above

Ans: (4) (AIBE IX MARCH 2016)

79. The word procedure established by law in Article 21 means

- (1) that due process of law must be followed
- (2) A procedure laid down or enacted by a competent authority
- (3) The same thing as due process of law
- (4) A law which is reasonable, just and fair.

Ans: (4) (AIBE IX MARCH 2016)