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TRUE LEARNING

Question Bank



ALL SUBJECTS

Q.1) Which amendment of the Constitution has added the words, 'Secular' and 'Integrity' in the Preamble to the Constitution?

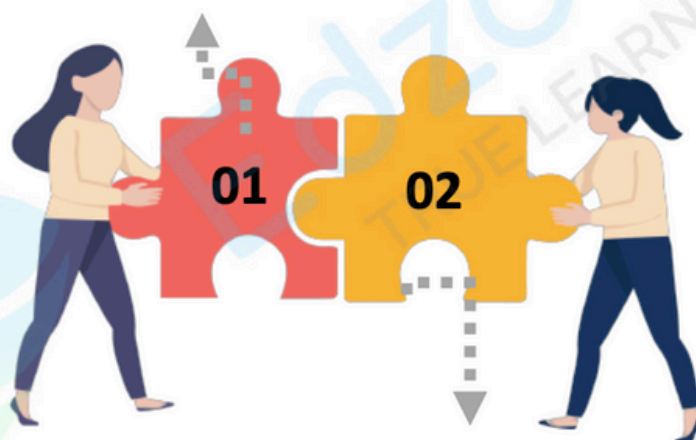
- a) 1st Amendment Act
- b) 24th Amendment Act
- c) 42nd Amendment Act
- d) 44th Amendment Act

Ans: C

Explanation:

FORTY-SECOND AMENDMENT ACT, 1976
(Recommendations of Swaran Singh Committee)

- Added Three new words **SOCIALIST, SECULAR AND INTEGRITY** in the Preamble



- Added **FUNDAMENTAL DUTIES** by the citizens (**new Part IV-A**)



- It is also known as “**Mini Constitution**” due to several major amendments enacted to the Constitution;
- It was enacted under **Indira Gandhi Government**.

AMENDABILITY OF THE PREAMBLE

KESAVANANDA BHARATI (1973)

Preamble can be amended, subject to the condition that no amendment is done to the 'basic features'.

BASIC ELEMENTS

FUNDAMENTAL FEATURES



cannot be altered by an amendment under **ARTICLE 368**.

Preamble has been amended only once so far, in 1976

42ND CONSTITUTIONAL AMENDMENT ACT

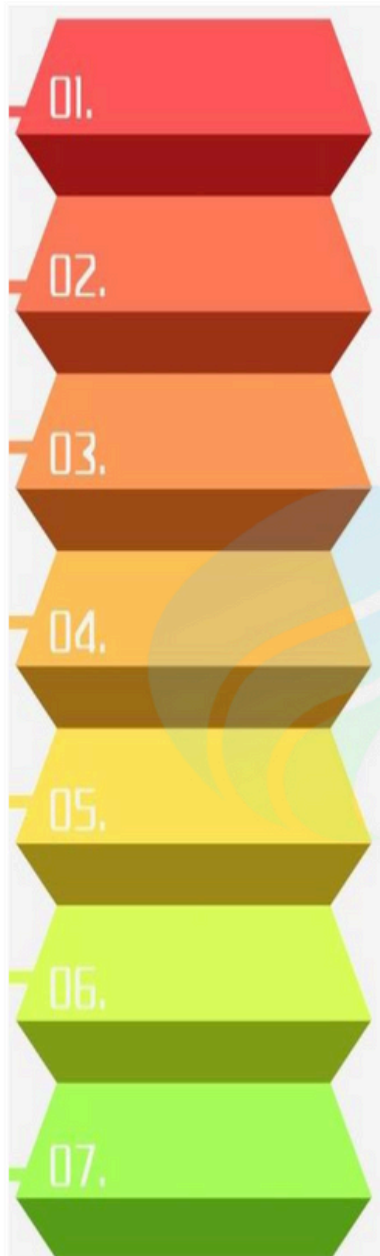
Added 3 new words

- **SOCIALIST**
- **SECULAR**
- **INTEGRITY**



This amendment was held to be valid.

How is 44th Amendment Act related to 42nd Amendment Act?



- It was **introduced in the year 1978** by the government to nullify the amendments made by 42 Amendment Act 1976
- It **removed Right to Property** and made it a legal right
- Replaced the word internal disturbances with the word armed rebellion,
- **Article 226** was amended to restore High Court's power to issue writs,
- Modified the Constitutional emergency provisions.
- Restored the secular and democratic ideals.
- It added one more Directive Principle, to minimize inequalities in income, status facilities, and opportunities under **Article 38.**

Reference: The Constitutional Law of India by M.P. Jain; 6th Ed, 2012, Page No: 1814
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Q.2) Constitution is generally defined as:

- a) Law of the land
- b) Fundamental law of the land
- c) Administrative law of the land
- d) Constitutional law of the land

Ans: B

Explanation:

- Constitution: '**grundnorm**' of the land, a **German** word for **fundamental** norm of the land.
- **Grundnorm** - concept in the Pure Theory of Law by Kelsen to denote the basic norm, order, or rule that forms an underlying basis for a legal system.

CATEGORY	CONSTITUTIONALISM	CONSTITUTION
Meaning	<ul style="list-style-type: none"> • A principle which is not just a constitution but put limitations to the <u>activities of individuals and the government</u>. 	<ul style="list-style-type: none"> • The fundamental laws custom, conventions, rules and regulations, stipulating how a country is governed.

Idea	<ul style="list-style-type: none"> • Limitations upon governmental powers. 	<ul style="list-style-type: none"> • Confers power to the government, and restrains them.
Limitations	<ul style="list-style-type: none"> • In exercising its powers, the government should be limited by law. 	<ul style="list-style-type: none"> • Those limitations are usually <u>enshrined in the constitution.</u>
Written/ Unwritten	<ul style="list-style-type: none"> • Generally Unwritten. 	<ul style="list-style-type: none"> • Generally a Written document.
Example	<ul style="list-style-type: none"> • Separation of Power under Article 245 and 246 promotes the spirit of Constitutionalism. 	<ul style="list-style-type: none"> • China has a 'Constitution' but not 'Constitutionalism'.

Did you Know?

The **USA** is the **first country** to make the constitution on June 21, 1788.



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