

CLAT SELF STUDY KIT 2012

CONSTITUTION OF INDIA

**STUDY MATERIALS +
SOLVED QUESTIONS FROM PREVIOUS
PAPERS +
1000 PLUS SOLVED PRACTICE QUESTIONS**

**Total Questions: 1400
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LEGAL APTITUDE

MODULE-I

SUBJECT: CONSTITUTIONAL LAW OF INDIA

CHAPTER: PREAMBLE

Most of the Constitutions generally have a preamble. It reflects the ideals and goals of the framers of the Constitution. It is the '**key to open** the mind of the makers which may show the general purpose for which they made several provisions in the Constitution" [*Supreme Court in Re-Berubari Case*]. **The US Constitution** was the first constitution to begin with a Preamble. **Pt.Nehru** drafted the Preamble of Indian Constitution. It was based on the **objective Resolution** adopted by the Constituent Assembly.

The Preamble in its present form reads as follows

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a **[SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC]** and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the individual and the

[unity and integrity of the Nation];

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

N.A.Palkiwala called the Preamble as the “**Identity Card of the Constitution**”. Though in **Re-Berubari Case** the Supreme Court held Preamble is a **not part** of Constitution, in the historic **Kesavanada Bharati case(1973)** it is held that Preamble is an **integral part** of our Constitution . It also contain the date of adoption of our Constitution ie. **26th November 1949**. (This day is observed as **Law Day** (Constitution Day)in India]. The Preamble is Non-justiciable that is, its provisions are not enforceable in Courts. The Preamble cannot override the express provisions of the Act. In **Kesavanada Bharati** Supreme court cautioned that the “basic elements” in the Preamble cannot be amended. It was amended **only once by the 42nd Amendment** (1976) which added the words “**Socialist, secular** and integrity” in to it. The ideals of liberty, equality and fraternity are inspired by the French Revolution.

Cases:

Berubari Case (1960): SC held Preamble is not part of Constitution and cannot be amended

Kesavananda Bharati (1973): 13 Member Bench of SC held Preamble is part of Constitution and can be amended without altering its "basic structure".

Examination Questions:

1. Supreme Court held that Preamble as a basic feature of Constitution cannot be amended in the case of.....[CLAT 2009]

- (a) Golaknath v. State of Punjab
- (b) Maneka Gandhi v. Union of India
- (c) S.R.Bommai v. Union of India
- (d) **Kesavananda Bharati v. State of Kerala**

2. Which of the following is not included in the Preamble to the Constitution?
[CLAT 2009]

- (a) **Morality**
- (b) Justice
- (c) Sovereign
- (d) Socialist

3. The expression 'Socialist' was intentionally introduced in the Preamble by the Constitution (42nd Amendment) Act, 1976. Its principal aim is to.....

[NALSAR 2007]

- (A) Eliminate inequality in economic and political status
- (B) Eliminate inequality in political and religious affairs

- (C) Eliminate inequality in income and status and standards of life
- (D) Eliminate class-based society

4. The Preamble -to the Constitution declares India as.....[NLSU 1996]

- (a) Sovereign Democratic Republic
- (b) Sovereign Socialist Secular Democratic Republic**
- (c) Socialist, Democratic Republic
- (d) Sovereign, Socialist, Democratic Republic.

5. The Preamble to the Indian Constitution was amended in the year.....[NLSU 2006]

- (a) 1976 (b) 1956 (c) 1982 (d) 1990

6. The word "secular" in the Preamble to the Constitution of India was: [NLSU 2007]

- (A) there from the beginning of the Constitution
- (B) added by the first amendment of the Constitution in 1951
- (C) added by the forty second amendment of the Constitution in 1976**
- (D) added by the forty fourth amendment of the Constitution in 1979

7. The Indian Constitution has- [NALSAR 2003]

- (A) A long preamble
- (B) A very short preamble**
- (C) No preamble
- (D) None of the above

8. The following are enshrined in the Preamble to the Constitution of India:

[NLUO 2009]

1. Equality of status and of opportunity
2. Liberty of thought, expression, belief, faith and worship
3. Justice – Social, economic and political
4. Fraternity assuring the dignity of the individual
5. Unity and integrity of the Nation

Which one of the following is the correct order in which they appear in the Preamble?

- (a) 5- 1 - 2 - 4 - 3
- (b) 3 - 2 - 1 - 4 - 5**
- (c) 3 - 1 - 2 - 5 - 4
- (d) 1 - 2 - 4 - 3 - 5

9. The expressions 'Secular' and 'Socialist' were inserted in the Preamble of the Indian Constitution by _____

[SET 2009][NUJS 2005]

- (a) Constitution (44th Amendment) Act, 1978
- (b) Constitution (52nd Amendment) Act, 1985
- (c) Constitution (38th Amendment) Act, 1975
- (d) Constitution (42nd Amendment) Act, 1976**

10. Which one of the following day is observed as Constitution day in India?

[NLU Jodh 2007]

- (a) 26th October
- (b) 26th November**
- (c) 26th January
- (d) 15th August

11. There is popular sovereignty in India because the Preamble to the Constitution begins with-

[NUJS 2005]

- (a) Democratic India
- (b) People's Democracy
- (c) Sovereignty of People
- (d) We the People of India**

12. The 'Law day' in India is observed on –

[GNLU 2007]

- (a) 26th January
- (b) 15th August
- (c) 1st may
- (d) 26th November**

IMPORTANT DATES

Adoption of Constitution : November 26, 1949

Adoption of National Flag : July 24, 1947

Adoption of National Anthem : January 26, 1950

Adoption of National Calendar: March 22, 1957

Amendments in the Preamble (42nd) came in to force on : January 3, 1977

PRACTICE QUESTIONS ON "PREAMBLE"

1. The Preamble of the Constitution was prepared by:
 - (a) Pt. Nehru**
 - (b) Sardar Patel
 - (c) Mahatma Gandhi
 - (d) Subhash Chandra Bose

2. On which among the following day the new constitution was adopted by the Constituent Assembly?
 - (a) 26 April, 1950
 - (b) 26 March, 1950
 - (c) 26 November, 1949**
 - (d) 26 January, 1950

3. Which of the following was adopted after the entire Constitution was enacted?
 - (a) Preamble**
 - (b) Part III-Fundamental Rights

- (c) Part IV- Directive Principles of State Policy
- (d) None of the above

4. What was the exact constitutional position of the Indian Republic when the Constitution was brought into force with effect from January 26, 1950?

- (a) A Democratic Republic
- (b) A Sovereign Democratic Republic**
- (c) A Sovereign Secular Democratic Republic
- (d) A Sovereign Secular Socialist Democratic Republic

5. Sovereignty means

- (a) Authority to Parliament
- (b) Authority of court
- (c) Lower authority or immediate authority
- (d) Apex authority or alternative authority**

6. The historic "Objective resolution" was moved in the Constituent Assembly by

- (a) Rajendra Prasad
- (b) B.R. Ambedkar
- (c) Jawahar Lal Nehru**
- (d) Sachidananda Sinha

7. Who described the Preamble of the Constitution as an 'Identity Card' of the constitution?

- (a) Palkhiwala**
- (b) Ivor Jennings
- (c) B.R. Ambedkar
- (d) None of the above

8. The source of India's sovereignty lies in the:

- (a) President
- (b) Prime Minister
- (c) People of India**
- (d) Preamble to the Constitution

9. Which portion of the Indian Constitution reflects the mind and ideals of its framers?

- (a) Preamble**
- (b) Fundamental Rights
- (c) Directive Principles
- (d) Fundamental duties

10. The.....to the Constitution can be regarded as a key to its objects and intention.

- (a) Amendments
- (b) Fundamental Rights
- (c) Preamble**
- (d) All the above

11. Preamble is

- (a) part of the Constitution**
- (b) not forms part of the Constitution
- (c) only an introduction not forms part of the Constitution
- (d) None of the above.

12. "Preamble of our Constitution is of extreme importance and the Constitution should be read and interpreted in the light of the grand and noble vision expressed in the preamble." Justice Sikri expressed the above opinion in the case of

- (a) In the Beru Bari Union.
- (b) Kesavananda Bharathi Vs. State of Kerala.**
- (c) A.K.Gopalan Vs. State of Madras.
- (d) In the Kerala Education Bill.

13. The text of the Preamble of the Constitution of India aims to secure

- (a) fundamental rights to all individuals.
- (b) fundamental duties to citizens of India.
- (c) dignity of the individual and unity and integrity of the nation.**
- (d) security of service to Government servant.

14. Which of the following cases it was said by the Supreme Court in 2005 that: "It is well accepted by thinkers, philosophers and academicians that if JUSTICE, LIBERTY, EQUALITY and FRATERNITY, including social, economic and political justice, the golden goals set out in the Preamble of the Constitution, are to be achieved, the Indian polity has to be educated and educated with excellence".

- (a) Onkar Lal Bajaj v. Union of India (AIR 2005 SC 2562)
- (b) Zee Telefilms Ltd. v. Union of India (AIR 2005 SC 2677)
- (c) Gopala Krishnan Nair v. State of Kerala (AIR 2005 SC 3053)
- (d) P.A. Inamdar v. State of Maharashtra [(2005) 6 SCC 537]**

15. In which of the following cases, Supreme Court held that Preamble cannot be amended?

- (a) Berubari Case**
- (b) Maneka Gandhi case
- (c) S.R. Bommai Vs. Union of India

(d) Kesavananda Bharati case

16. In which of the following cases, Supreme Court held that Preamble can be amended without altering its basic features?

- (a) Golaknath case
- (b) Maneka Gandhi case
- (c) S.R. Bommai Vs. Union of India
- (d) Kesavananda Bharati case**

17. The words 'secular' and 'socialist' were added to the Indian Constitution in 1975 by amending the

- (a) Preamble**
- (b) Directive Principles
- (c) Fundamental Rights
- (d) All of the above

18. In Tinsukia Electricity Company Vs. State of Assam, the Supreme Court pointed out that the term "socialist", used in the Preamble to the Constitution of India, means a State whose basic policy is to

- (a) prohibit concentration of wealth.
- (b) distribute equitably the natural resources.
- (c) prohibit concentration of wealth and uplift the living standards of people.**
- (d) prohibit concentration of wealth and distribute equitably the natural resources.

19. Recently, in the Case of Good Governance India Foundation & Anr. Union Of India & Anr.(2010), Supreme Court dismissed the petition against the use of the word, in Preamble to the Constitution

- (a) Socialist**
- (b) Secular
- (c) Democratic
- (d) None of the above

20. Interpretation of Indian Constitution shall be based on the spirit of the

- (a) Preamble**
- (b) Fundamental rights
- (c) Directive principles of state policy
- (d) All the above.

21. The Preamble to the Constitution of India secures Justice, Liberty, Equality and Fraternity to

- (a) all persons.
- (b) those who reside within the territory of India.
- (c) all citizens.**
- (d) those citizens who reside within the territory of India

22. The question whether the Preamble of the Constitution of India is a part of the Constitution of India was raised for the first time before the Supreme Court in which one of the following cases?

- (a) In re Berubari Union**
- (b) Golak Nath vs State of Punjab
- (c) Keshavananda Bharati vs State of Kerala
- (d) Indira Nehru Gandhi vs Raj Narain.

23. In Re- Berubari Union (1960) the Supreme Court held that Preamble is

- (a) part of the Constitution
- (b) not forms part of the Constitution**

- (c) only an introduction not forms part of the Constitution
- (d) None of the above.

24. The term "economic justice" in the Preamble to the Constitution of India, is a resolution for

- (a) Equal distribution of wealth.**
- (b) Economy in the administration of justice.
- (c) Socio-economic revolution.
- (d) Cheap justice to the poor.

25. Which of the following Country introduced a 'preamble' in it's Constitution for the first time?

- (a) USA**
- (b) UK
- (c) India
- (d) Australia

26. The ideals of 'liberty, equality and fraternity' in the preamble is inspired by

- (a) Russian revolution
- (b) French Revolution**
- (c) Marxian thoughts
- (d) Gandhian thoughts

27. Who among the following described the 'Preamble' as the "horoscope of our sovereign democratic republic"?

- (a) Alladi Krishnaswami
- (b) Sardar Patel
- (c) K.M.Munshi**
- (d)None of the above

28. Which of the following is described as the 'soul of the Constitution, which lays down the pattern of our political society' by Justice Hidayatullah?

- (a) Preamble**
- (b) Fundamental Rights
- (c) Directive Principles
- (d) Right to Constitutional remedies

29. Which of the following Articles constitute the Preamble of the Constitution of India?

- (a) 1
- (b) 1&2
- (c) 1 to 4
- (d) None of the above**

30. In which of the following Articles the word 'federation' is used in the Constitution of India?

- (a) 1
- (b) 1&2
- (c) 1 to 4
- (d) Not used**

31. Which of the following is not part of the Preamble?

- (a) Secularism
- (b) Democracy
- (c) Adult franchise**
- (d) Justice

32. How many times has the preamble to the Constitution of India amended?

- (a) Once**
- (b) Twice
- (c) Thrice
- (d) Never

33. The word "Justice" in the Preamble means

- (a) Social
- (b) Economic
- (c) Political
- (d) All the above**