

Q.3)

Ans) c

Exp) Option c is correct.

**Statement 1 is incorrect:** The Preamble to the Indian Constitution is based on the 'Objectives Resolution', drafted and moved by Pandit Nehru, and adopted by the Constituent Assembly.

**Statement 2 is correct:** The Preamble can be used to interpret the Constitutional provisions.

In the *Berubari Union* case (1960), the Supreme Court said that the Preamble shows the general purposes behind the several provisions in the Constitution. Further, where the terms used in any article are ambiguous or capable of more than one meaning, some assistance at interpretation may be taken from the objectives enshrined in the Preamble.

**Statement 3 is correct:** In the *Kesavananda Bharati* case (1973), the Supreme Court held that Preamble is a part of the Constitution. It observed that the Preamble 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. In the 1995 case of *Union Government Vs LIC of India*, the Supreme Court once again held that the Preamble is an integral part of the Constitution.

**Statement 4 is incorrect:** In the *Kesavananda Bharati* case (1973), the Supreme Court recognized that the preamble may be used to interpret ambiguous areas of the constitution where differing interpretations present themselves. However, two things should be noted:

- 1) The Preamble is neither a source of power to legislature nor a prohibition upon the powers of legislature.
- 2) It is non-justiciable, that is, its provisions are not enforceable in courts of law.

Knowledge Base: It has been amended by the 42nd Constitutional Amendment Act (1976), which added three new words—Socialist, Secular and Integrity.

Q.4)

Ans) d

Exp) Option d is correct.

**Statement 1 is incorrect:** Article 16 of the Constitution of India provides that no citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth or any of them, be ineligible for any office under the State.

There are four exceptions to this general rule of equality of opportunity in public employment:

- 1) Parliament can prescribe residence as a condition for certain employment or appointment in a state or union territory or local authority or other authority.
- 2) The State can provide for reservation of appointments or posts in favour of any backward class that is not adequately represented in the state services.
- 3) A law can provide that the incumbent of an office related to religious or denominational institution or a member of its governing body should belong to the particular religion or denomination.
- 4) The state is permitted to make a provision for the reservation of upto 10% of appointments or posts in favour of any economically weaker sections of citizens.

**Statement 2 is incorrect:** Article 16(3) of the Constitution provides an exception by saying that Parliament may make a law "prescribing" a requirement of residence for jobs in a particular state. This power vests solely in the Parliament, not state legislatures.

Exercising the powers it has under Article 16(3), Parliament enacted the Public Employment (Requirement as to Residence) Act, aimed at abolishing all existing residence requirements in the states and enacting exceptions only in the case of the special instances of Andhra Pradesh, Manipur, Tripura and Himachal Pradesh.