

established by law. This right is available to both citizens and non-citizens.

- If a person is arrested/detained or deprived of his life of personal liberty, the court will apply the following 3 tests to determine whether the detention or deprivation is valid:
  - Whether there exists any law that authorize the state to deprive an individual of his life and liberty.
  - Whether the legislature that enacted the law had the competence to enact such a law.
  - Whether the procedures laid down by the law were followed.
- If all the 3 tests are found to be valid, the court will not apply any more tests to examine whether the law in question in itself is fair, just or reasonable.
- Even if the court finds the law to be arbitrary or oppressive, it won't declare the law as invalid and extend protection to the individual.
- **Thus the doctrine relies more on the good sense of legislature and strength of public opinion the country and extends protection to an individual against arbitrary action of the executive and not of legislature.**
- However in Menaka case (1978), the Supreme Court widened the interpretation of the Article 21 and ruled that the right to life and personal liberty of a person can be deprived by a law provided the procedure prescribed by that law is reasonable, fair and just. In other words, it has introduced the American expression 'due process of law'.

#### 4. Correct Option: (c)

**Explanation:**

- **Option (c) is correct**

**Supplementary notes:**

**Preamble and Values in the Constitution**

- **Sovereignty:** Being sovereign means having complete political freedom and being the supreme authority. It implies that India is internally all-powerful and externally free.
- **Democracy:** The Preamble reflects democracy as a value. As a form of government, it derives its authority from the will of the people. The people elect the rulers of the country and the elected

representatives remain accountable to the people.

- **Republic:** India is not only a democratic nation but it is also a republic. **The most important symbol of being a republic is the office of the Head of the State**, i.e. the President who is elected and who is not selected on the basis of heredity, as is found in a system with a monarchy. This value strengthens and substantiates democracy where every citizen of India is equally eligible to be elected as the Head of the State.

#### 5. Correct Option: (d)

**Explanation:**

- **Both statements are correct**

**Supplementary notes:**

**Types of amendment**

- There are **three ways in which the Constitution can be amended:**
  - Amendment by a simple majority of the Parliament
  - Amendment by a special majority of the Parliament
  - Amendment by a special majority of the Parliament and the ratification of at least half of the state legislatures.
- A number of provisions in the Constitution can be amended by a simple majority of the two houses of Parliament outside the scope of Article 368. These provisions include:
  - **Admission or establishment of new states.**
  - Formation of new states and alteration of areas, boundaries or names of existing states.
  - Abolition or creation of legislative councils in states.
  - Second Schedule-emoluments,
  - Allowances, privileges, etc. of the president, the governors, the Speakers, judges, etc.
  - Quorum in Parliament
- The majority of the provisions in the Constitution need to be amended by a special majority of the Parliament, that is, a majority (that is, more than 50 percent) of the total membership of each House and a majority of two-thirds of the members of each House present and voting.
  - The provisions which can be amended by this way include (i) Fundamental