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Questions for CLAT Exam.

Legal Reasoning Quiz 4

Directions: Study the following information carefully and answer the questions given beside.

Article 52 to Article 61 of the constitution deals with the duties, powers and responsibilities of the president of India. Article 52 and 53 states that there shall be a president of India, and he is the executive head of nation and these executive powers vested on him will be exercised either directly or through officers subordinate to him in accordance with this constitution.

Article 54 and Article 55 deals with the process of election of the president. The President is indirectly elected by an electoral college comprising the Parliament of India (both houses) and the Legislative Assemblies of each of India's states and territories, who themselves are all directly elected. According to article 56, once a person is elected as the president of India, he shall hold the office for a term of five years, and there is provision under the article which allows the president to resign from the position by addressing a letter to the vice president under his hand, willingness to resign. Apart from this, a president can be removed for the violation of the constitution by the process of Impeachment. And this so called process of Impeachment is discussed under Article 61 of the constitution. Violation of the Constitution is the only ground for Impeachment of President. The Impeachment charges can be initiated in either of the houses of the Parliament with at least one-fourth members of that house signing the charges and later a min. 14 day notice should be given to the President. Then one house should pass this resolution with a majority of two-thirds of the total membership of the house and then send it to the other house. The second house should investigate the charges and President will be given the right to appear and to be represented at such an investigation to prove his innocence. If the second house also passes the resolution with two-thirds majority of the total membership of the house, then the President stands impeached from that date. According Article 58, for being elected as president of the nation, there are a set of conditions which has to satisfied, such as, the person should be a citizen of India, should have completed the age of 35 and he should be qualified for election as a member of the house of the people and further, he shall not hold any office of profit under the Government of India, or any state or under any local or other authority under the control of the said governments. Once elected as the president, the person will be entitled to all privileges, benefits, emoluments and allowances mentioned under article 59, as long as he continues in the position.

Judicial Powers

The primary duty of the President is to preserve, protect and defend the constitution and the law of India per Article 60. The President appoints the Chief Justice of the Union Judiciary and other judges on the advice of the Chief Justice. He dismisses the judges if and only if the two Houses of the Parliament pass resolutions to that effect by a two-thirds majority of the members present. The President has the power to grant pardons, reprieves or remissions of punishment to any person who has been convicted by a Court of Law. Apart from these powers, the president enjoys 'Emergency Powers' and where by the president can declare National, State and Financial Emergency under Articles 352, 356 and 360 respectively. From the constitutional provisions and the scenario, it is clear that a wide range of powers, privileges and duties are conferred up on the president.

Questions :

1. Which of the following articles deal with process of election of the President of India?
- A. 51-52 B. 52-53 C. 53-54 D. 54-55
2. Lok sabha of the Union of India has pressed charges of Impeachment against the President of India Mr. Arun Gopinathan. After investigation and resolution passed by the Lok Sabha and 2/3 rd majority from Rajya Sabha, the president gets impeached. Mr.Arun then approaches the Supreme Court calling the impeachment process flawed and arbitrary. As a Judge decide the outcome of the case.
- A. He will win the case.
B. He will lose the case but win moral victory.
C. His stand in the court of justice is flawed since Supreme Court cannot interfere in these matters.
D. He will lose the case.
3. Mathew Siblinga is a hugely popular leader and heads the office of Workers organization of India which is a body under the govt of India. Due to his pioneering works in labour law and social reforms, he is nominated to be the President of India and wins the election. The opposition takes his election to Supreme Court and insist that he must leave his office to continue as the President of India. Mathew contends that it is not at all necessary as the work is purely pro-bono in nature. As a Judge decide?
- A. Mr. Siblinga will win the case.
B. Mr. Siblinga will lose the case
C. Mr. Siblinga will be allowed to retain the office of President of India as his election was fair.
D. The facts are unclear on what the courts shall do. Will depend on their discretion.
4. Once elected as the president, the person will be entitled to all privileges, benefits, emoluments and allowances mentioned under article _____ as long as he continues in the position.
- A. 57 B. 58 C. 59 D. 60
5. The President of India Mr. Mohit Kumar declares a state of financial emergency evoking Article 356 of the Indian constitution. Samta a PIL organization, files a petition in the Supreme Court of India citing lack of the power of President to issue this emergency. Decide as the judge of the Court.
- A. The petition will fail
B. The petition will succeed.
C. The petition will fail because of lack of jurisdiction.
D. The petition will succeed as President does not have the power to impose emergency.

Correct Answers:

1	2	3	4	5
D	A	B	C	B



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Explanations :

1. Clearly mentioned in the passage.

Hence Option D is the right answer.

2. Since Lok Sabha has pressed the charges, Rajya Sabha should have done the investigation.

Hence option A is the right answer.

3. Mr. Siblinga will lose the case since he is holding an office of profit.

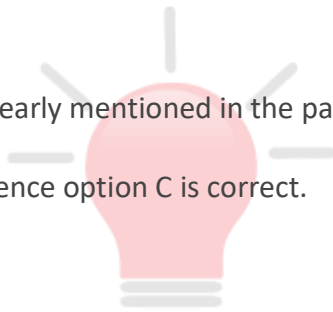
Hence option B is correct.

4. Clearly mentioned in the passage.

Hence option C is correct.

5. The petition will succeed as in this instance the President has issued a wrong declaration of emergency. It can be done under Article 360.

Hence option B is the correct answer.



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