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The Question Bank

Comprehension Test Questions for SBI PO Pre, IBPS PO Pre, LIC AAO Pre, SBI Clerk Mains and IBPS Clerk Mains Exams.

Passage No. 168

Direction: Read the following passage carefully and answer the following questions.

Paragraph 1 : Article 21 forms a vital provision in our Constitution. It guarantees the protection of life and personal liberty to every person in India. The exception to this protection is contained in four very significant words appearing at the end, namely "procedure established by law". These four words have been borrowed by the framers of our Constitution from the Japanese Constitution which was promulgated on November, 3rd, 1946 after World War II and came into effect on May, 3rd, 1947. Interestingly, these words got preference over the phrase "due process of law" which was incorporated in the United States Constitution through the Fifth and Fourteenth Amendments.

Paragraph 2 : Significantly, the original draft of the Japanese Constitution, popularly known as the McArthur draft was written under the supervision of Douglas McArthur, an American and the Supreme Commander of the Allied forces, after the Japanese surrender pursuant to the 1945 Postdam Declaration. His manuscript was largely based on the American Constitution model and was in contrast with the recommendations of the Matsumoto Commission which preferred to follow the conservative Meiji model. Later on, the Japanese Government tweaked the McArthur draft to include, inter alia, civil guarantees including Article 31 in its Constitution, which is in pari materia with Article 21 of the Constitution of India. Article 31 of the Constitution of Japan states that "No person shall be deprived of life or liberty, nor shall any other criminal penalty be imposed, except according to procedure established by law." Article 21 of the Indian Constitution states that "No person shall be deprived of his life or personal liberty except according to procedure established by law."

Paragraph 3 : When the draft Constitution was ready, Dr. Ambedkar, in his opening speech on 4th November, 1948 remarked "The Draft Constitution as it has emerged from the Drafting Committee is a formidable document. It contains 315 Articles and 8 Schedules. It must be admitted that the Constitution of no country could be found to be so bulky as the Draft Constitution. It would be difficult for those who have not been through it to realize its salient and special features." The original draft of Article 21 contained the phrase "due process of law". At the time of framing of the Indian Constitution, the inclusion of the phrase "procedure established by law" had been the subject matter of extensive debate and discussion in the Constituent Assembly. The members of the Constituent Assembly, in their debates, deliberated upon the pros and cons in the use of this phrase.

Paragraph 4 : Dr. Ambedkar spoke at length on how the words "due process of law" and "procedure established by law" had clearly two view points. In his well-articulated speech, he succinctly outlined the pros and cons in adopting either of the two expressions; the first expression which gave the power to the Judiciary to "sit in judgment over the will of the legislature" and the second would mean that the "legislature ought to be trusted not to make bad laws". Ultimately, he left it to the House to decide in any way it liked.

Paragraph 5 : After Ambedkar had concluded his reply, the acting Vice President of the Constituent Assembly put each amendment to vote and resultantly, the five amendments seeking substitution of the words "due process of law" in place of "procedure established by law" were negatived by the House. Accordingly, Article 21 became part of our Constitution on 13th December, 1948.

Paragraph 6 : In the 1978 landmark judgment of Maneka Gandhi vs. Union of India (in which the Petitioner, inter alia, challenged the Government's action in impounding her passport without assigning any reasons) the Supreme Court held that the term "procedure" appearing in Article 21 cannot be unreasonable, arbitrary and unfair. Justice V.R. Krishna Iyer in his separate opinion concurred with Justice Fazl Ali's minority view in the Gopalan case and held that procedural safeguards are the indispensable essence of liberty and must not merely be formal but must also be fair. From its inception till today, there has been no amendment to Article 21 and it forms an important part of the basic structure of the Indian Constitution.

Questions :

1. Which of the following is the word most opposite to 'formidable'?

- A. Powerful B. Intense C. Shot D. Comforting E. Ominous

2. Which of the following is the closest word to 'succinctly'?

- A. Briefly B. Elaborate C. Longitudinal D. Expressive E. None of the above

3. What is the tone of the author in paragraph 1?

- A. Informative B. Lively C. Witty D. Cynical E. Questioning

4. As per paragraph 2, which of the following is true about the McArthur draft?

- I. It is the final draft of the Japanese Constitution.
- II. It was formed during the Postdam Declaration.
- III. It was mostly based on the American Constitution.

- A. Only II B. Only III C. Only I and II D. Only I and III E. All of the above

5. Which of the following can be inferred from paragraph 4?

- A. Dr Ambedkar was very clear about his preference of the phrase and directed the Assembly accordingly.
- B. Dr Ambedkar was in favour of adopting the "procedure established by law".
- C. The 'due process of law' would have given more power to the Legislature.
- D. Dr Ambedkar wanted the final decision to be unanimous.
- E. None of the above

6. As per the passage, Article 21 became part of the Constitution on which date?

- A. December 11, 1948
- B. December 12, 1948
- C. December 13, 1948
- D. December 14, 1948
- E. None of the above

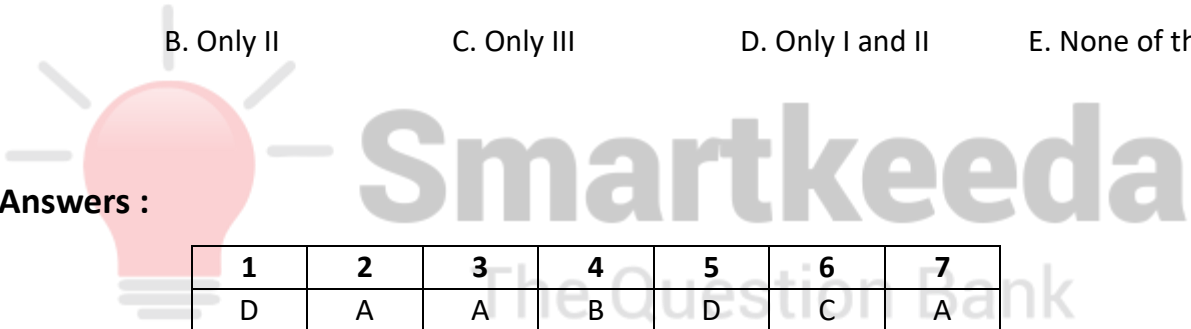
7. Which of the following is true about 'procedural safeguards' as per the passage?

- I. They are the essence of freedom.
- II. The provision regarding these safeguards has been amended multiple times.
- III. These must not necessarily be fair but must be procedurally correct.

- A. Only I
- B. Only II
- C. Only III
- D. Only I and II
- E. None of the above

Correct Answers :

1	2	3	4	5	6	7
D	A	A	B	D	C	A



Explanations:

1. **Formidable:** inspiring fear or respect through being impressively large, powerful, intense.

Options A, B and E are synonymous while option C is irrelevant.

Option D fits in well here and is correct.

2. **Succinctly:** in a brief and clearly expressed manner.

Option A is the best fit here.

Hence, option A is correct.

3. The author is explaining in detail about Article 21. He then further talks about its history and how Japan and the US fit in. There is nothing *witty* about the paragraph. *Cynical* means *mocking* and this is clearly incorrect. Similarly, the author is not *questioning* anything but merely *informing* about the article and its history. Thus, option A seems to be the best fit here.

Hence, option A is correct.

4. Refer to: 'Significantly, the **original draft of the Japanese Constitution**, popularly known as the McArthur draft was written under the supervision of Douglas McArthur, an American and the Supreme Commander of the Allied forces, **after the Japanese surrender pursuant to the 1945 Postdam Declaration**. His manuscript was **largely based on the American Constitution model** and ...'

As per the fragment highlighted, only III is correct. I and II are both incorrect factually.

Hence, option B is correct.

5. Options A and B are incorrect factually while option C is opposite of what has been stated in the passage. Option D is correct here and can be seen in the last line of the paragraph.

Hence, option D is correct.

6. Article 21 became part of our Constitution on 13th December, 1948.

Hence, option C is correct.

7. Refer to: ‘...and held that **procedural safeguards are the indispensable essence of liberty and must not merely be formal but must also be fair**. From its inception till today, there has been **no amendment to Article 21** and it forms an important part of the basic structure of the Indian Constitution.

As per the highlighted fragment, only I is correct. Both II and III are opposite of what the passage states.

Hence, option A is correct.



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