

Corrigendum/Explanation SFG 2024 Level 1 Test 2

There are no changes to the solutions/answers. Some explanations have been provided for the students who have raised doubts.

Q.2) There was a doubt raised with respect to Statement 3 i.e. "In a conflict between the two, the courts will generally prioritize the protection of Fundamental Rights."

Explanation – The Statement is correct as it mentions the term 'generally'. Although it is true that the Fundamental Rights conferred by Article 14 and Article 19 are accepted as subordinate to the Directive Principles specified in Article 39 (b) and (c). But, in all other matters, the Fundamental Rights enjoy supremacy over the Directive Principles. Hence, we can say that in a conflict between the FR and DPSP, the courts will generally prioritize the protection of Fundamental Rights. The term 'generally' makes the statement correct.

Q.5) There was a doubt raised regarding whether Option (c) or Option (b) is the correct answer.

Explanation – Option c is correct. Article 20 (3) of Constitution of India states-**No person accused of any offence shall be compelled to be a witness against himself.**

So, article 20(3) provides a Fundamental Right to a person that he/she shall not be compelled to be a witness against himself/herself if he/she is accused of any offence. **On the other hand option c of the question says that the person is provided the Fundamental Right to act as a witness against himself/herself, which is not a Fundamental Right indeed.** It is just the opposite of what article 20(3) of the Constitution of India states.

Similarly, Option b states that the Constitution of India provides the Fundamental Right to a person "to refuse to give his/her sample of handwriting as evidence to support a prosecution against him/her." It is indeed correct as per article 20(3) of the Constitution as a person can refuse to provide any evidence against himself/herself. However, some recent Judgements of Kerala and Madras High Courts suggest that the courts can direct an accused person to give his/her samples of handwriting so that an investigating officer can make a better use of available technology.

So, here in the given question, option c is the correct answer as the provided option is directly incorrect regarding Fundamental Rights. We will further go through different sources with respect to Option b and will clarify the same if any concrete decision is made by Supreme Court/High Courts. Till then, candidates are advised to go with option c.

Q.6) There was a doubt raised regarding whether the Right to Internet is a Fundamental Right.

Explanation – It is true that the Right to Internet is a Fundamental Right. In the Anuradha Bhasin & Anr v. Union of India and Ors Case [2020], the Supreme Court upheld the Right to Internet. The Supreme Court has declared that access to internet is a fundamental right under Article 19 of the Constitution. Access to Internet or Right to Internet are not different.

Read for more clarification: https://www.legalserviceindia.com/legal/article-4588-right-to-internet-fundamental-right-.html#google_vignette

Q.13) There was a doubt raised regarding whether option (a) or (d) is the correct answer.

Explanation – The Option (d) is correct. The concept of equality implies that all people, as human beings, are entitled to the same rights and opportunities to develop their skills and talents, and to pursue their goals and ambitions. This means that in a society people may differ with regard to their choices and preferences. They may also have different talents and skills which results in some being more successful in their chosen careers than others. But just because only some become ace cricketers or successful lawyers, it does not follow that the society should be considered unequal. **In other words, it is not the lack of equality of status or wealth or privilege that is significant but the inequalities in peoples' access to such basic goods, as education, health care, safe housing, that make for an unequal and unjust society.**

This is given in NCERT itself. We are not asking specifically based on the Preamble but have asked in general.

Q.24) There was a doubt raised with respect to Statement 1 i.e. “Preventive Detention involves the detention of an individual without a formal trial or court conviction.”

Explanation – The Statement is correct. Punitive detention is to punish a person for an offence committed by him after trial and conviction in a court. **Preventive detention, on the other hand, means detention of a person without trial and conviction by a court.** Its purpose is not to punish a person for a past offence but to prevent him from committing an offence in the near future. Although Article 22(5) of the Constitution provides that the person under preventive detention shall be afforded the earliest opportunity of making a representation against the order of detention. But this is after the detention. The detention under Preventive Detention Law is made without a formal trial or court conviction. Hence, the statement is correct.

Q.39) There was a doubt raised regarding whether Statement II adequately explains the Statement I.

Explanation – The answer remains same as Statement II does adequately explains the Statement I.

A Bill of Rights is enshrined in the constitutions of many countries. Constitutions represent the highest law of the land and so constitutional recognition of certain rights gives them a primary importance. In our country we call them Fundamental Rights. Other laws and policies are supposed to respect the rights granted in the Constitution. The rights mentioned in the Constitution would be those which are considered to be of basic importance. Thus, it is the Constitutional recognition of rights which makes them fundamental. And every citizen has the right to approach the Supreme court directly in case of violation of these fundamental rights.

Q.40) There was a doubt raised with respect to Statement 1 i.e. “Right to Protest is a constitutional right enshrined in Article 19.”

Explanation – The Statement is correct. The Right to Protest is both a Constitutional Right and a Fundamental Right. Rights mentioned and protected by the Constitution are Constitutional Rights and those Constitutional Rights which are mentioned in Part III are Fundamental Rights. Right to Protest is a Fundamental Right enshrined in Article 19(1)(a), Article 19(1)(b) and Article 19(1)(c) of the Indian Constitution.

Q.47) There was a doubt raised with respect to whether Option (a) or Option (b) is the correct answer.

Explanation – The Option (a) is correct. As per our understanding, Option (a) seems to be more apt among the given options. As the First Constitutional Amendment Act, 1951 is widely believed to be enacted to overcome the judicial interpretations of the Fundamental Rights.

The First Constitutional Amendment Act, 1951, added the fourth clause to Article 15 that empowered the government to make any law for the upliftment of socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes.

The need to insert this clause was felt after the decision of the Supreme Court in the State of Madras v. Srimathi Champakam (1951). The Court gave a literal interpretation to the constitutional provisions and held that reserving seats in public institutions for backward classes violates Articles 15(1) and 29(2). Therefore, in order to nullify the effect of similar judicial pronouncements, Article 15 was amended by the First Constitutional Amendment Act.

The given question is a Previous Year Question of UPSC PRELIMS 2023. We will update you if there is any change in the answer after the release of official answer key of UPSC.

Q.) There was a doubt raised with respect to Option

Explanation – **The Option is correct.**

Q.) There was a doubt raised with respect to Option

Explanation – **The Option is correct.**