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Q49

Consider the following statements: 1. The Parliament (Prevention of Disqualification) Act, 1959 exempts several posts from disqualification on the grounds of 'Office of Profit'. 2. The above-mentioned Act was amended five times. 3. The term 'Office of Profit' is well-defined in the Constitution of India. Which of the statements given above is/are correct? (a) 1 and 2 only (b) 3 only (c) 2 and 3 only (d) 1, 2 and 3 Official key: A.

UPSC Civil Services Prelims 2019 · General Studies · 2 marks · Polity and Governance

Indian Constitution, polity, rights, governance - Prelims GS Paper I.

Explanation**(a) Official key**

(a) 1 and 2 only. The Parliament (Prevention of Disqualification) Act, 1959 lists offices that do not disqualify an MP for office of profit. By 2019 it had been amended five times. Statement 3 is false: the Constitution uses 'office of profit' but does not define it. That 1-and-2 code is the official key.

(b)

(b) 3 only. The term is not well-defined in the Constitution, so 3 only is not the key.

(c)

(c) 2 and 3 only. Statement 3 fails, so this pair is not the key.

(d)

(d) 1, 2 and 3. The undefined-in-Constitution claim is false as a 'well-defined' statement, so all-three is not the key.

Summary

Official key is (a) 1 and 2 only. **Articles 102 and 191** disqualify for an office of profit under the government except as Parliament/Legislature exempts. The **1959 Act** is that exemption list and had five amendments by the time of this paper. Definition is largely judicial. Honour the stored letter (a).

Related possible facts

These can be asked in a future Prelims paper.

Articles

102 (Parliament) and 191 (State)

1959 Act

Statutory exemptions

Amendments to 2019

Five, as the keyed statement treats them

Askable case

Jaya Bachchan; Pradyut Bordoloi lines of cases

Joint Committee

Often proposed for a clearer definition

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