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Q85

A legislation which confers on the executive or administrative authority an unguided and uncontrolled discretionary power in the matter of application of law violates which one of the following Articles of the Constitution of India? (a) Article 14 (b) Article 28 (c) Article 32 (d) Article 44 Official key: A.

UPSC Civil Services Prelims 2021 · General Studies · 2 marks · Polity and Governance
Indian Constitution, polity, rights, governance - Prelims GS Paper I.

Explanation**(a) Official key**

Article 14. Unguided discretion is classic arbitrariness - equality before law.

(b)

Article 28. Religious instruction in certain schools.

(c)

Article 32. Constitutional remedies - the sword, not this test.

(d)

Article 44. Uniform civil code; DPSP.

Summary

Official key is (a) **Article 14**. A law that hands the executive unfettered, guideless discretion fails equality - the Supreme Court's arbitrariness doctrine.

Related possible facts

These can be asked in a future Prelims paper.

E.P. Royappa / Maneka

Arbitrariness as a facet of **Article 14**.

Delegated legislation

Excessive delegation is the neighbour doctrine.

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