

Total number of printed pages-7

1 SEM LLB CLI 1 (N)

2018

(December)

LAW

Paper : 1.1

(Constitutional Law of India)

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. "The Constitution of India is federal in form, but unitary in spirit."
— Critically examine the above statement.

12

Or

State the salient features of the Constitution of India.

2. What are the doctrine of Eclipse and doctrine of Severability in the context of the justifiability of the Fundamental Rights under the Constitution of India? 8

Are these doctrines applicable to both Pre-Constitutional and Post-Constitutional laws? Explain fully by referring to case laws.

4

Or

Explain "Equality before the laws" and "Equal protection of laws" as guaranteed under Article 14 of the Constitution of India. What are its exceptions? Discuss.

8+4=12

3. State the provisions under the Constitution of India in respect of protection of life and personal liberty. To whom this right is available? 10+2=12

Or

What do you mean by Preventive Detention? Discuss in details about provisions in the Constitution dealing with preventive detention. Cite Supreme Court cases.

4+8=12

4. Who is Minority ? Discuss the different rights conferred by the Constitution to minorities to establish and maintain educational institutions. $2+10=12$

Or

What are the different kinds of Writs ? Compare and contrast the writ jurisdiction of the Supreme Court with that of the High Court. $8+4=12$

5. Explain with the help of decided cases how judicial attitude has undergone transformation on the question of relationship between Directive Principles and the Fundamental Rights. 12

Or

“Directive Principles of State Policy are non-justiciable but fundamental in governance of the Country”. Discuss. 12

6. Answer the following questions : $2 \times 5 = 10$

(a) What is ‘other authorities’ under Article 12 of the Constitution ?

(b) State the *two* reasonable restrictions that may be imposed under Article 19(2).

- (c) State the *two* safeguards provided under Article 20 of the Constitution for the persons accused of crimes.
- (d) What do you mean by Uniform Civil Code?
- (e) Point out the *two* reasons for termination of Indian Citizenship.

7. Choose the correct one : $10 \times 1 = 10$

- (i) In which Case the Court held that the Preamble is not the part of the Constitution?
- (a) A. K. Gopalan Case
- (b) Berubari Case
- (c) Minerva Mills Case
- (d) A. K. Antony Case.
- (ii) The Indian Constitution was adopted by the Constituent Assembly on —
- (a) 25 August 1949
- (b) 26 November 1949
- (c) 26 January 1950
- (d) 15 August 1947.

(iii) Which of the following are included in the concept of the 'State' under Article 12 ?

(a) Electricity Board

(b) Judiciary

(c) University

(d) All the above.

(iv) Untouchability is abolished and its practice is punishable according to —

(a) Article 15

(b) Article 16

(c) Article 17

(d) Article 18.

(v) Which one of the following is bulwark of personal freedom —

(a) *Mandamus*

(b) *Habeas Corpus*

(c) *Quo warranto*

(d) *Certiorari*

(vi) Fundamental Duties were inserted in the Constitution by —

(a) 42nd amendment

(b) 44th amendment

(c) 47th amendment

(d) 24th amendment.

(vii) By 86th Amendment Act, 2002, the newly added fundamental duties is —

(a) to develop scientific temper

(b) to protect environment

(c) to provide opportunities to educate child

(d) to safeguard Public Property.

(viii) Free legal aid as a Directive Principles provided under —

(a) Article 38

(b) Article 44

(c) Article 43

(d) Article 39A.

(ix) Right to Freedom of Religion cannot be restricted on the ground of —

- (a) Public order
- (b) Security of State
- (c) Wealth
- (d) Morality.

(x) Which of the following Articles describe about the person voluntarily acquiring citizenship of a foreign state not to be citizens ?

- (a) Article 5
- (b) Article 6
- (c) Article 7
- (d) Article 8.