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1 SEM LLB CLI 1(N)

2016

(December)

LAW

Paper : 1.1

(Constitutional Law of India-I)

Full Marks – 80

Time – Three hours

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

1. What do you mean by Preamble of the Constitution of India ? Explain. What are the ideas enshrined in the Preamble of the Constitution of India ? 4+8=12

Or

✓ "The Constitution of India is neither purely federal nor purely unitary, but it is a combination of both." Critically examine the above statement.

2. Define 'State' as provided under Article 12 of the Constitution of India. Is judiciary included in the state? Cite Supreme Court cases. $8+4=12$

Or

- Discuss the six Fundamental Freedoms as guaranteed under Article 19 of the Constitution of India. What are the reasonable restrictions that may be imposed by law on those freedoms?

$6+6=12$

3. (a) What are the constitutional safeguards provided to the persons accused of crimes?

- (b) State the constitutional provisions against arbitrary arrest and detention of any person.

$6+6=12$

Or

- (a) State the scope of life, personal liberty and procedure established by law under Article 21 of the Constitution.

- (b) Whether right to life included right to die? Cite Supreme Court cases. $8+4=12$

4. (a) The Supreme Court of India is the protector and guarantor of Fundamental Rights of the people. Explain in the light of the terms "Constitutional Remedy" under Article 32 of the Constitution.

(b) Can the Supreme Court of India change its previous decisions ? Explain with illustrations.

8+4=12

Or

"Secularism is neither anti-God nor pro-God, it treats alike the devout, the antagonistic and the atheist." Explain the concept of Secularism under the purview of Right of Freedom of Religion as provided by the Constitution of India.

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5. (a) Write an exhaustive note on justifiability of Directive Principle of State Policy.

(b) Discuss the provisions of uniform Civil Code as provided under Directive Principle of State Policy. Cite Supreme Court cases.

6+6=12

Or

- (i) What is the importance of Fundamental Duties ?
- (ii) Discuss the fundamental duties of citizens as provided under Constitution of India
- (iii) Whether Fundamental Duties are justifiable or not. 2+8+2=12

6. Answer the following questions in brief :

2×5=10

- (a) What are the Doctrine of Severability in the context of the Fundamental Rights under the Constitution of India.
- (b) State the two grounds of reasonable classification under Article 14 of the Constitution.
- (c) What are the special provisions as to the citizenship of persons covered by the Assam Accord.
- (d) The Haryana Panchayati Raj Act, 1994, disqualified a person having more than two children from contesting for Sarpanch election. Whether such act violates Article 14 of the Constitution ?

(e) The authorities provided special seating arrangement for women and children in buses and trains. Is this arrangement constitutionally valid ?

7. State whether the following statements are right or wrong : $1 \times 10 = 10$

(a) The Parliament and State legislature is empowered to form new states, alter the areas, boundaries or names of existing states.

(b) A citizen can waive his fundamental rights.

(c) Article 14 of the Constitution forbids class legislation and reasonable classification of persons, objects and transactions.

(d) Equal pay for equal work for both men and women is a fundamental right.

(e) The power of judicial review can be exercised by both the Supreme Court and High Court.

(f) In making reservation for backward classes the state can ignore the Fundamental Rights of the other citizen.

- (g) Termination of service on ground of membership of a political party is violative of Article 19(1) (d).
- (h) A company or a corporation registered under the Companies Act is a person but not citizen, therefore, it can not claim the right guranteed under Article 19.
- (i) There is so conflict between the Directive Principles and Fundamental Rights and they are meant to supplement each other.
- (j) Vishaka vs. State of Rajasthan is a landmark case relating to prevention of sexual harrasment of working women.