

AS-3045

B.Com. LL.B. (Third Semester) Examination, 2013

Constitutional Law-I

Maximum Marks : 80 Marks

Note: Attempt questions of all three sections as directed. Distribution of marks is given with sections.

Section-‘A’

15×2=30

(Objective Type Questions)

Note: Attempt all questions. Each question carries 2 marks

1. Choose the correct answer:

- (i) (a) Constituent Assembly
- (ii) (b) November 26, 1949
- (iii) (d) Dedicated Judiciary
- (iv) (d) Multi-Party system
- (v) (d) None of the above
- (vi) (a) Iyuru Sudhakar V. State of Andhra Pradesh
- (vii) (b) State of West Bengal V. Union of India
- (viii) (a) Doctrine of Territorial Nexus
- (ix) (c) Golak Nath V. Union of India
- (x) (a) Only I and II are correct
- (xi) (c) Only I and III are correct
- (xii) (d) Classification may or may not be arbitrary
- (xiii) (b) Article 20 (2)
- (xiv) (a) Article 310
- (xv) (b) Article 50

Section-B

5×4=20

(Short Answer Type Questions)

Note: Attempt any five questions. Each question carries 4 marks.

2. Followings things are to be discussed-

i. Introduction of the Indian Constitution- like, it is suprema lex and provides set of rules for the governance in the country, standard for the law making etc. It contains 395 articles and 22 parts wherein all aspects of the government functioning have been covered comprehensively.

ii. Outlines of the Indian Constitution-

It should contain the followings-

- a) Written constitution- which brings certainty and concreteness of the rules, demarcates the ambit of the Union and States etc.
- b) Preamble- being part of the constitution it is key to open the minds of the constitution makers
- c) Sovereignty- it makes India a sovereign State by rendering the policy making with the respective legislatures (Article 2, 3, 4, 107 to 117 for the Parliament and Article 196 to 207 for the State Legislatures) and adjudication with its own courts (Articles 32, 129, 131, 132 to 137 for Supreme Court and Articles 226 and 227 for High Courts) as final authority.
- d) Socialist- not defined, but meant elimination of inequality in income and status and standards of living, State's ownership and control over the production and distribution of resources. It has been given under articles 31 A, 39, 43A and 43B.
- e) Welfare State- it is enshrined under article 38, 41 to 43 and 46
- f) Secular State- declared under preamble and article 25 to 28.
- g) Democracy and adult suffrage- article 326
- h) Responsible government- it is essence of the Parliamentary form of government in which executive is responsible towards the elected legislature. It is given under article 75 (3) and 164 (2).
- i) Republican State- head of State is elected (article 54 and 55), having fixed tenure (article 56) and can be impeached (article 61).
- j) Fundamental rights- in part III
- k) Directive principles of State policy- in part IV
- l) Fundamental duties- in part IV A
- m) Single citizenship (part II, article 5 to 11)
- n) Special provisions for the minorities, backward classes, SC/ST, Scheduled and Tribal Areas, Part III and X

- o) Independent Judiciary
- p) Civil services- part XIV
- q) Emergency provisions- part XVIII
- r) Provisions for the constitution amendment- part XX
- s) Provisions for local bodies part IX and IXA
- t) Provisions for distribution of powers- part XI

iii. Conclusion

3. It is to be discussed in following way-

- (i) Introduction of Council of Ministers- from where it has been borrowed, who forms this council, who can be member of this council, etc. mention the respective articles.
- (ii) Nature and function of council of ministers- whether it is executive or legislative in nature and what functions it has been assigned. Mention the respective articles.
- (iii) Their responsibility in the parliamentary form of government. Mention the respective articles for Union and States.
- (iv) Constitutional need of council of ministers to aid and advice the respective heads of the government. Mention the respective articles.
- (v) Conclusion

4. It should include following things-

- (i) Meaning of doctrine of Territorial Nexus
- (ii) Promulgation of doctrine of Territorial Nexus
- (iii) Application of doctrine of Territorial Nexus. Mention the corresponding article.
- (iv) Conclusion.

5. It should include following things-

- (i) Meaning of doctrine of basic structure
- (ii) Promulgation of doctrine of basic structure
- (iii) doctrine of basic structure as a restraint on the powers of Parliament to amend the Constitution of India,
- (iv) Conclusion.

6. It should include following things-

- (i) Meaning and definition of secularism
- (ii) Indian aspect of secularism
- (iii) Mention the corresponding articles
- (iv) Limitations on it
- (v) Conclusion.

7. It should include following things-

- (i) Write positive and negative aspects of article 14
- (ii) Elaborate positive aspect of article 14 which permits for the reasonable classification
- (iii) Write needs of reasonable classification.

- (iv) Write tests of reasonable classification
 - (v) Conclusion
8. It should include following things-
- (i) Meaning of right to speech and expression
 - (ii) Write expansion of this right with the help of case law
 - (iii) Conclusion
 - (iv) Your opinion on it

Section –C

2×15=30

(Long Answer Type Questions)

Note: Attempt any two questions. Each question carries 15 marks

9. It should include following things-
- (i) Introduction and constitutional position of President of India
 - (ii) Classification of powers of president of India
 - (iii) Legislative powers, mention the corresponding articles
 - (iv) Executive powers, mention the corresponding articles
 - (v) Discretionary or Quasi Judicial powers, mention the corresponding articles
 - (vi) Cases to make clear the exercise of these powers by the President of India.
 - (vii) Conclusion
10. It should include following things-
- (i) Needs of constitutional amendments
 - (ii) Modes of constitutional amendments
 - (iii) Informal methods of constitutional amendments- such as (a) judicial interpretation and (b) conventions and constitutional usages. Mention the corresponding articles
 - (iv) Formal methods of constitutional amendments- such as by (a) simple majority, (b) majority of the House and majority not less than 2/3 members present and voting and (c) majority of the House and majority not less than 2/3 members present and voting and ratification by Legislatures not less than half of the States by resolution to that effect. Mention the corresponding articles.
 - (v) Limitations on the powers of Parliament to amend the Constitution- give the case laws.
 - (vi) Conclusion.
11. It should include following things-
- (i) Meaning of emergency
 - (ii) Who can proclaim emergency, mention corresponding article
 - (iii) Grounds of proclamation of emergency, mention corresponding article
 - (iv) Effects of proclamation of emergency, mention corresponding article

- a) Suspension of fundamental rights, mention corresponding article
- b) Suspension of enforcement of fundamental rights, mention corresponding article
- c) Extension of Union executive powers to give directions to the States for exercise of its executive powers, mention corresponding article
- d) Power of Parliament to make laws on any of the item mentioned in the State List, mention corresponding article
- e) Distribution of revenues, mention corresponding article
- f) Extension of tenure of Lok Sabha (House of the People) and State Legislative Assembly, mention corresponding article

(v) Conclusion.