

AS-3025

B.A. 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) (b) Cabinet Mission
- (ii) (d) Only III, IV and V are correct
- (iii) (d) Prafulla Kumar V. Bank of Commerce, Khulana
- (iv) (c) Keshavananda Bharati V. State of Kerala
- (v) (b) Article 25
- (vi) (d) Article 14 to 18
- (vii) (a) Only I, II and III are correct
- (viii) (a) Article 19 (2)
- (ix) (b) Not Justifiable
- (x) (c) Armed rebellion
- (xi) (a) Art. 129 and Art. 215
- (xii) (b) Art. 311
- (xiii) (d) In re Powers, Privileges and Immunities of Parliament
- (xiv) (b) Article 370
- (xv) (b) Three months

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 Westminster model of Government
 - ii. Essentials of Westminster model of Government
 - iii. Incorporation of Westminster model of Government in India, mention corresponding articles; such as article 74, 75 (3), 79, 80 and 81 etc.
 - iv. Conclusion.
3. It is to be discussed in following way-
 - i. Meaning of discretion
 - ii. Constitutional provisions related to the discretionary (quasi judicial) powers of President of India. Mention corresponding articles; such as articles 124 (2), 217 (1) and 72 etc.
 - iii. Mode of exercise of such powers. Mention corresponding article.
 - iv. Judicial review of exercise of such powers; give relevant cases.
 - v. Standard for the exercise of such powers; give relevant cases.
 - vi. Personal hearing to the convict.
 - vii. Conclusion.
4. It should include following things-
 - i. Introduction of forms of Constitution
 - ii. Essentials of federal form of Constitution
 - iii. Provisions of the Indian Constitution corroborative with the federal form of Constitution.
 - iv. Provisions of the Indian Constitution destroying the federal character.
 - v. Need of such provisions in the Indian Constitution which are destroying the federal character.
 - vi. Conclusion
5. It should include following things-
 - i. Meaning of Colourable Legislation
 - ii. Tests of Colourable Legislation.
 - iii. Development of Colourable Legislation; also mention corresponding article.
 - iv. Conclusion
6. It should include following things-
 - i. Introduction of fundamental rights and minorities.
 - ii. Types of fundamental rights of minorities.
 - iii. Right to conserve distinct language, script and culture
 - iv. Right to establish and administer educational institutions

- v. Right not to be discriminated
 - vi. Conclusion.
7. It should include following things-
- i. Meaning of Double Jeopardy
 - ii. Double Jeopardy under Indian Constitution
 - iii. Essentials of Double Jeopardy
 - iv. Protection against Double Jeopardy when available
 - v. Conclusion
8. It should include following things-
- i. Introduction of Fundamental Duties.
 - ii. Need of Fundamental Duties.
 - iii. Classification of Fundamental Duties.
 - iv. Significance of fundamental duties.
 - v. Conclusion.

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 meaning of Legislative Privileges; viz it is uncodified, abusive and expansive etc.
 - ii. Introduction and meaning of Fundamental Rights; viz it is definite, concrete and available against the State etc.
 - iii. Difference between Privileges and Rights
 - iv. Legislative Privileges and Fundamental Rights: Point of clash- mention relevant articles too; such as article 105 (3), 194 (3), 19 (1) (a), 21 and 22
 - v. Judicial intervention to sort out clash
 - vi. Final settlement of the issue; write the ruling
 - vii. Conclusion.
10. It should include following things-
- i. Meaning of gender justice- two aspects, positive and passive
 - ii. Equality clause operates in two ways;
 - a) Equality before law- stipulates no one is above law and operation of law equally irrespective of race, religion, caste, sex, descent, place of birth or place of residence (under articles 14, 15 (1) (2), 16 (1) (2))

- b) Equal protection of laws- permits for the reasonable classification to avoid inequality and also to legislate to bring justice (under article 14, 15 (3), (4), (5), 16 (4), (4A), (4B))
 - iii. Certain enumerated passive provisions for the gender justice- like articles 14, 15 (1), (2), 16 (1) (2), and 17
 - iv. Certain enumerated positive provisions for the gender justice- like articles 15 (3), 39, 42, 44, 46, 51A (e), 243 D and 243T.
 - v. Certain unenumerated provisions for the gender justice- like protection of women against sexual harassment at workplace, reservation of seats in educational institutions, equal pay for equal work as one of the unenumerated fundamental rights, etc. Give case laws too.
 - vi. Conclusion.
11. It should include following things-
- i. Introduction of right to life and personal liberty
 - ii. Literal meaning of right to life and personal liberty as given by Supreme Court of India
 - iii. New dimension of right to life and personal liberty as expanded by Supreme Court of India
 - iv. Inclusive nature of article 21
 - v. Incorporation of various Directive Principles of State Policy as unenumerated fundamental rights under the ambit of right to life and personal liberty; give case laws.
 - vi. Limitations on it; viz procedure established by law which is corresponding to due process of law.
 - vii. Conclusion.

Prepared by Mr. Saman Narayan Upadhyay