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19 (I) CNLW-I

2018

CONSTITUTIONAL LAW-I

Paper : 1-1

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate answers given in the brackets. Choose *True or False*:
1×10=10
 - a. India is a union of _____.
(Provinces/States)
 - b. Parliament may by law alter the boundaries of any State. (*True/False*)
 - c. Article _____ refers to pre-constitutional laws. [13(1)/13(2)]
 - d. Article 14 is the genus while Article 16 is a species. (*True/False*)

Contd.

- e. Article 23 protects the individual not only against the State but also against private citizens. (True/False)
- f. Right to Education was inserted under part-III of the Constitution of India by the Constitution _____ Act.
(forty-second Amendment/
eighty-sixth Amendment)
- g. Article 30 deals with right of minorities to establish and administer educational institutions. (True/False)
- h. Article _____ is known as *Heart and Soul* of the Constitution. (14/32)
- i. The provision of free legal aid was inserted by the _____ under Part IV of the Constitution of India.
[Constitution (Forty-second Amendment) Act/
Constitution (Forty-fourth Amendment) Act]
- j. On the recommendation of Swaran Singh Committee, Fundamental Duties were incorporated in the Constitution. (True/False)

2. Write short notes on : 2×5=10
- Secularism.
 - Article 17 of the Constitution of India
 - Freedom of speech and expression
 - Ninth Schedule to the Constitution of India
 - The Constitution (eighty-sixth Amendment) Act on Part-IVA of the Constitution.

3. The Preamble to the Constitution is aimed to embody the fundamental values and the philosophy, on which the Constitution is based. Elucidate the above statement with decided cases. 12

Or

The massive "Assam Movement" ended on August 15, 1985 with a tripartite agreement, known as the *Assam Accord*. The Assam accord fixed a separate cut off date for identification and expulsion of foreigners in Assam and thereby Special provisions as to

citizenship of persons covered by the Assam Accord was inserted in the Citizenship Act, 1955.

Elucidate the above statement and discuss the law of Citizenship as per the special provisions as inserted by the Citizenship (Amendment) Act, 1985. Mention the different facets of the Citizenship (Amendment) Bill, 2016. 12

4. Answer the following : 6+6=12

a. 'Article 13 is the key provision as it gives teeth to the Fundamental Rights and makes them justifiable.' In the light of the above statement, write a brief note on Article 13 of the Constitution of India.

b. "The Fundamental Rights are a necessary consequence of the declaration in the preamble to the Constitution". Elucidate.

Or

"The right of equality, guaranteed by Article 16(1) and Article 16(2) are subject to a few exceptions".

Discuss the exceptions with relevant case laws. 12

5. Answer the following as directed : 12

The right to privacy is protected as an intrinsic part of the right to life and personal liberty under Article 21 and as a part of the freedoms guaranteed by Part III of the Constitution. [Justice K.S. Puttaswamy (Retd.) v. Union of India].

Elucidate the scope and significance of Article 21 of the Constitution of India.

Or

Briefly discuss the following : 4×3=12

- Protection against *ex post facto* law
- Rule against Double Jeopardy
- Privilege against self-incrimination.

6. "The Constitution protects the equal entitlement of all persons to a freedom of conscience and to freely profess, protect and propagate religion. Inhering in the right to religious freedom, is the equal entitlement of all persons, without exception, to profess, practice and propagate religion." (*Indian Young Lawyers Association & Ors. v. The State of Kerala & Ors.*)

In the above context, discuss the fundamental Constitutional tenets bearing upon the right to freedom of religion as guaranteed under the Constitution. 12

4.

Or

Write brief notes on : 6+6=12

- a. Right to Constitutional remedies
 - b. Judicial Review.
7. Articles 36 to 51 incorporate certain Directive Principles of State policy which the State must keep in view while governing the nation. Discuss in brief those directives. 12

Or

Narrate the Fundamental Duties of the citizen of India as incorporated in the Constitution of India. Discuss its scope and significance. 12