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23 (I) LLM 11

2012

**BASICS OF CONSTITUTIONAL
LAW OF INDIA**

Paper : I.I

Full Marks : 80

Time : Three hours

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

Answer all questions.

1. (a) In March, 1942, the British Government issued a Draft Declaration containing the proposal in regard to setting up of a Constitution-making body for India. Discuss the important provisions of this proposal. 8

- (b) Give a brief summary of the problems that the framers of the Constitution had to face in framing the Constitution. 8

Contd.

Or

(a) Discuss the main provisions of the Act which gave effect to the Mountbatten plan. 8

(b) What is the name of the plan on the basis of which elections to the Constituent Assembly took place? Discuss the recommendations about the basic forms of the proposed Indian Constitution that the plan had put forward.

2+6=8

In applying the rules embodied in clause (1) and (2) of the Article 13 of the Constitution of India some principles of interpretation are to be followed. Discuss critically those principles with respect to both pre-Constitutional and post-Constitutional laws. Cite relevant decided cases also. 16

Or

(a) The interpretation of the term "other authorities" in Article 12 of the Constitution of India has caused a good deal of difficulty, and judicial opinion has undergone changes over time.

Elucidate the above in terms of important judicial decisions of the Supreme Court of India. 8

2

(b) By and large, the courts have adopted an equivocal attitude in many cases where several features of personal laws have been challenged on the ground of their incompatibility with fundamental rights.

Elucidate the above citing the relevant cases in the Supreme Court and different High Courts. 8

5. Establish with the help of decided cases how judicial attitude has undergone transformation on the question of relationship between the Directive Principles and the Fundamental Rights. 16

Or

6. (a) The Directive Principles of State Policy, which lack the quality of enforceability, are useless or at least not worth forming part of a constitutional document. The Constitution should include only those provisions whose enforcement is obligatory on the state.

Is the above criticism justified? Give reasons of your answer. 8

(b) Explain how for the Directive Principles of State Policy and Fundamental Rights together constitute the conscience of the Constitution of India. 8

Commerce Point

23 (1) LLM 1.1

3

Contd.

26

7. (a) Define parliamentary privileges and immunities. Discuss their importance in a modern democracy. $3+3=6$

(b) Is freedom of speech absolute in Parliament or subject to some limitations? Explain.

3 Can legal action be taken against any member of Parliament for violation of provisions of the Constitution which limit his freedom of speech in Parliament? Answer with reference to specific provisions of the Constitution. $4+2=6$

2 (c) Give your views for and against codification of the parliamentary privileges. 4

Or

8. (a) What is contempt of a House of Legislature? Discuss briefly with reference to decided cases how the privilege of the House of Legislature to punish for its contempt has become very controversial in India.

To resolve the controversy the Supreme Court of India in 1965 in "*Re powers, privileges and Immunities of State Legislatures*" laid down some propositions while exercising its power of advisory jurisdiction under Article 143 of the Constitution. Discuss the propositions which appear to you of constitutional significance. $2+7+7=16$

9. What is Doctrine of Pleasure? Examine how it originated in the constitutional system of U.K. Discuss its significance in India in the light of relevant express provisions of the Constitution. $2+4+10=16$

10. State briefly the persons who can claim the constitutional protection under Article 311. Discuss the constitutional safeguard given to the civil servants with respect to dismissal or removal from service. $4+12=16$