

23 (LLM-1) 1001

2013

BASICS OF CONSTITUTIONAL LAW  
OF INDIA

Paper : 1001

Full Marks : 80

Time : 3 hours

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

1. State and discuss the recommendations of the Cabinet Mission. Do you agree with the view that the Constituent Assembly, which was set up in 1946 to frame the Constitution of India as per Cabinet Mission Plan, was not a sovereign body till the Indian Independence Act, 1947 came into effect? Explain with reasons. 10+6=16

Or

Due to new developments the members of the Muslim League refused to participate in the proceedings of Constituent Assembly as a result of which the Viceroy, Lord Mountbatten, had to bring out a new plan. Discuss the new developments and the provisions of the Mountbatten Plan. Also discuss the Objective Resolution moved by Pandit Nehru on the basis of which the Constituent Assembly proceeded to frame the Constitution of India. 8+8=16

2. The definition of 'State' under Article 12 of the Constitution of India cannot and must not be used for restricting the application of a Fundamental Right only against the State which in its contents and nature a right not so restricted. The Fundamental Rights may be violated by the State as much directly as indirectly either through its actions or active connivance. In such cases the State cannot escape its responsibility or liability.

Justify the correctness of the above statement or rebut it in the light of the decision of the Supreme Court in cases related to bonded labour, environmental pollution and sexual harassment of women in workplaces.

16

Or

Elaborate and critically discuss the Rule of Severability and the Doctrine of Eclipse in the context of Article 13 of the Constitution of India referring to decided cases.

Do the above Rule and the Doctrine apply for both the pre-constitutional and post-constitutional laws? Explain with reasons.

12+4=16

3. Discuss the scope, importance and significance of the Directive Principles of State Policy under the scheme of the Constitution of India. Give a note on the circumstances and developments because of which amendments were incorporated subsequently in the Part IV of the Constitution.

8+8=16

Or

Discuss the inter-relationship between the Directive Principles of State Policy and Fundamental Rights as determined by the judiciary in a series of cases. Cite relevant cases.

16

4. State and discuss the Parliamentary privileges, powers and immunities enjoyed by each House of Parliament and the members individually under the Constitution of India. State some of the privileges of the members of the House of Commons which the members of Parliament in India are not entitled to enjoy inherently.

12+4=16

Or

Explain in the light of the decided cases how far there exist freedom of speech and publication as privilege for the members of Parliament in India.

The Supreme Court in its advisory opinion in a famous case held that notwithstanding a general warrant issued by the Legislative Assembly of a State, the Court could examine the legality of committal in proper proceedings and laid down some propositions of constitutional significance. State the propositions laid down by the Court. 8+8=16

5. Critically examine the provisions of the Constitution of India relating to the protection of Civil Servants in India. Cite relevant case laws where necessary in support of your answer.

16

Or

Explain how far the Doctrine of Pleasure is subject to parliamentary legislation in India and England. Discuss with reference to judicial decisions whether the rules providing for terms of service can be altered unilaterally by the Government under relevant Article of the Constitution. Explain with the help of judicial decisions whether the President of India is required under Article 310 to exercise his pleasure in his personal capacity.

6+6+4=16

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