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14 (LLM I) 1001

2014

**BASICS OF CONSTITUTIONAL
LAW OF INDIA**

Paper - 1001

Full Marks : 80

Time : Three hours

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

1. In making the constitution the members were guided by the principles of accommodation and consensus on most of the matters.

Write an exhaustive note on the above statement by referring to debates in the Constitution Assembly on some important provisions of the Constitution of India. 16

Commerce Point

Contd.

OR

The members of the Constituent Assembly have been guided by the Objective Resolution moved by Pandit Nehru.

Elucidate the above with reference to important provisions of the Constitution of India. 16

2. (a) The term "State" occurring in any provision concerning fundamental rights has been given an expansive meaning by the judiciary. Elucidate with reference to decided cases. 8

- (b) Writ petition against the judiciary for violation of fundamental rights by it can not be filed in the Supreme Court under Article 32. Do you agree with the above view? Give your answer with appropriate reasons and cite decided cases. 8

Or

- (a) Are personal laws of different communities within the term "law" under Article 13 of the Constitution? Give your answer with reference to decided cases and juristic opinions of different scholars. 8

- (b) Explain how are doctrine of eclipse and doctrine of severability apply to pre-constitutional and post-constitutional laws. Cite decided cases. 8

3. The Directive Principles and Fundamental Rights are no longer regarded as exclusionary of each other. They are now regarded as supplementary and complementary to each other.

Justify the above with the help of important judicial decisions. 16

OR

The Directive Principles and the Fundamental Rights together constitute the core of our constitution and combine to form its conscience. Comment in the light of judicial decisions. 16

4. There has been some confusion on the question whether Fundamental Rights control anyway the privileges which the Houses of Parliament enjoy under Art. 105(3) of the Constitution.

Give your opinion on the above in the light of decisions given by the Supreme Court in some important cases. 16

OR

- (a) Explain why the Keshav Singh case is said to be high-water mark of legislature-judiciary conflict in legislative privilege matters in India. 8
- (b) Explain the factors because of which the prospect of codification of parliamentary privileges is extremely dim. 8

5. (a) The Doctrine of Pleasure under Art. 310 is not unlimited. Discuss the limitations on exercise of this Doctrine. 8

(b) Explain the different implications of the Doctrine of pleasure and justify the presence of this doctrine of British origin in the Constitution of India. 8

OR

Make a critical assessment of constitutional protection to civil servants against Dismissed, Removal and Reduction-in-rank. Cite decided cases in support of your assessment. 16