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23 (1) LLM 1-1

2015

**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. Write a comprehensive note on philosophy of the Constitution of India by referring to relevant Constitutional provisions and Judicial decisions, if any, in support of your views. 16

Or

2. (a) State briefly the method the Constituent Assembly adopted in making the Constitution of India. 8

(b) Discuss the recommendations of the Cabinet Mission Plan, 1946. 8

Contd.

3. (a) Explain the meaning and connotation of the terms "domicile" and "migration" as used in the Constitution for acquiring citizenship of India at the commencement of the Constitution. Cite relevant case laws. 8

(b) According to jurist H.M. Seervai the Judiciary is a state under Article 12 even in exercise of its Judicial functions.

Give your argument for or against the above view. Cite Judicial decisions, if any, to support your views. 8

Or

4. State cannot escape its liability or responsibility towards the protection of fundamental rights on the plea that the violation of fundamental rights outcome of the actions of the private individuals and not of the State.

Trace the development of the above trend with the help of important Judicial decisions.

Also explain how far the expansion of the term "state" as stated above is in conformity with the expressed provisions of the Constitution.

8+8=16

5. It has now become a Judicial strategy to read fundamental rights along with directive principles with a view to define the scope and ambit of the former. This strategy has resulted not only in broadening and giving greater depth and dimension to expressed fundamental rights but also in creating more fundamental rights. In fact now many of the values underlying the directive principles have become enforceable by riding on the back of the fundamental rights.

Explain and illustrate the above with reference to various directive principles and corresponding judicial decisions. 16

Or

6. (a) State briefly the views expressed by the Supreme Court through various pronouncements on

(i) Uniform Civil Code under Art 44

(ii) Free Legal Aid under Art 99A. — 1000 2
4×2=8

(b) By reading Art 21 with directive principles the Supreme Court has derived therefrom a bundle of rights.

Name four of these rights with corresponding Judicial decisions against each of them. 4×2=8

(a) Give your own views after discussing the demands for and against Codification of the parliamentary privileges. 8

(b) Make a comparative study of the findings of Supreme Court in the *Searchlight* case and *Keshav Singh* case. 8

Or

8. (a) Critically assess the correctness of the findings of both majority and minority judges in *P.V. Narshimha Rao* case with respect to immunity from criminal prosecution on a charge of bribery in relation to proceedings in Parliament. 8

(b) Write a short note on the ways and means by which the conflict between the Legislative and Court can be minimized over the issue of legislative privileges. 8

9. What is Doctrine of pleasure? What utility has this common law doctrine in India? Discuss the Constitutional restrictions against the exercise of this power of President under the Constitutional Scheme in India. 4+12=16

Or

10. Under Art 311 the Civil Servants have some Constitutional protections. Write a critical assessment on the above protection with the help of Judicial decision. 16