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14 (LLM-1) 1001

2018

**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. Consequent upon the establishment of the Constituent Assembly, its members with due religiosity embarked upon the mandated task as stated in the Objective Resolution adopted by the Assembly. Reflecting upon the mandated task, attempt an analysis of the manner in which it carried out the mandated task. 16

Contd.

OR

A Constitution of a nation is generally reduced in writing, as mandated by framers of its makers through a special process. In so providing for the Constitution of India, its framers, under its architect ably guided by its Constitutional Advisor, Dr B N Rao, adopted the Constitution in consonance with its Preambular mandate that reflected the constitutional philosophy. Discuss the tenets of the philosophy provided thereunder. State whether the same has achieved its purpose in adequate measure in the working of the Constitution.

16

2. Discuss in brief the following referring to judicial; gloss thrown upon it:

(a) State as provided for under the Constitution of India 8

(b) Law as laid down under the provisions of the Constitution of India. 8

OR

Currently, the issue of Citizenship in relation to the proposed amendment (Citizenship Amendment Bill) of the Citizenship Act has been engaging the attention of the people of Assam, due to wide ramifications involved in the process. Keeping in view the Constitutional mandate of a Secular State as well as the provisions laid down in the Core Document, attempt an analysis of the situation within the spectrum of the law and the Constitution.

16

3. A State is expected to provide for various rights and to its people in general and citizens in particular. The Constitution of India accordingly lays down certain provisions under Part three and four of the Constitution, the later incorporating certain directives to the state which is to be followed keeping in view the economic capacity of the State. Attempt an overview of the philosophy behind the constitutional mandate laid down under Part IV of the Constitution.

16

OR

The working of Part IV of the Constitution since the days of its adoption has been responsible for the progress and development of the Nation. A noticeable shift has taken place over the years with respect to the importance and significance thrust so provided by the State upon the Directive Principles of State Policy. Many attribute the same to the interpretation rendered by the Apex Court. Discuss how the judicial renderings have helped achieve the noticeable transformation in the making bringing, about a synergy between the two. 16

4. The British Parliament, considered to be the mother of Parliaments mainly functions on the basis of well established conventions. According to the framers of the Constitution while providing for the Parliamentary Privileges, keeping in view the functioning of the British Parliament provided for Parliamentary Privileges without much elucidation.

Attempt a critical analysis of the constitutional provisions throwing light on the debate generated during the course of the last 68 years of the functioning of the Indian Republic. 16

The provisions of the Constitution of India relating to Parliamentary Privileges though venerated has generated a debate on the desirability of codification of the same, particularly in view of the changes effected in Britain.

In the light of the above, state whether you favour continuation of the existing process or vouch for codification. Justify your views, taking into account the doctrinal laws rendered thus far. 16

5. Under the Chapter on Services provided for under Part XV, Article 311 lays down for constitutional safeguards. Discuss the said provisions reflecting upon the exceptions provided thereunder. 16

OR

The Doctrine of Pleasure incorporated under Article 310 hangs over the head of the Civil Services as a Damocles sword. Discuss the significance of the provision and the necessity thereof. Refer to doctrinal laws in this regard. 16