

29/05/19

Total number of printed pages-5

14 (LLM-1) 1-1

2019

**BASICS OF CONSTITUTIONAL LAW OF INDIA**

Paper : 1-1

Full Marks : 80

Time : Three hours

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

1. In 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.

Write a brief summary of the problems that the framers of the Constitution had to face in framing the Constitution.

8+8=16

Contd.

**OR**

Combining the ideals of political, social and economic democracy with that of equality and fraternity, the Preamble of the Constitution of India, seeks to establish what Mahatma Gandhi described as "the India of my dream". Write an explanatory note on the philosophy of the Constitution considering the above context and the historic objective resolution. 16

2. There are tests formulated by several cases of the Supreme Court to find out whether an institution is a "state". Further, the judicial decisions have given a wide scope to the expression "other authorities" in Article 12 of the Constitution. Elucidate the above, in terms of important judicial decisions of the Supreme Court of India. 8+8=16

**OR**

In applying the rules embodied in cl (1) and (2) of the Article 13 of the Constitution of India, the Supreme Court has adopted and equivocal attitude in many cases where several features of personal laws have been challenged on the ground of their incompatibility with Fundamental Rights.

What is the present Trend of the Apex Court in this regard?  
Attempt a critical analysis of the Constitutional provisions citing recent cases of the Supreme Court. 16

3.

- (a) Explain how far the Directive Principles of State Policy and Fundamental Rights together constitute the conscience of the Constitution of India. 16
- (b) 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. Do you agree with the above criticism? Give reasons of your answer.

**OR**

The question of relationship between the Directive Principles and Fundamental Rights has caused some difficulty. What if a law enacted to enforce a Directive Principle infringes a Fundamental Rights?  
Critically examine the above situation with the help of relevant Supreme Court's decisions. 16

4. Define Parliamentary Privileges and immunities. Discuss their importance in a modern democracy.

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

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? Discuss with reference to specific provisions of the Constitution. 16

OR

The need of the day is the codification of the Privileges and immunities of Parliament and the state legislatures, which was envisaged at the time of the Constitution itself and will be a step in the right direction in curbing the arbitrary exercise of power.

In the above context give your views for and against codification of the Parliamentary Privileges. 16

5. 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. 16

OR

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