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19 (1) CNLW 1-1

2022

(Held in 2023)

CONSTITUTIONAL LAW

Paper : 1-1

Full Marks : 80

Time : Three hours

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

1. Choose the correct option : 1×10=10

(a) In which case the Supreme Court held that 'Preamble is the basic feature of the Constitution' ?

1. In Golok Nath Case
2. In Meneka Gandhi Case
3. In Keshavananda Bharati Case

Contd.

(b) Under the Indian Constitution it was held in the case Pradeep vs. Union of India that

1. There is only one domicile of the country
2. There is two domiciles of the Union as well as the State
3. In case of Jammu and Kashmir, there are two domiciles, Union and State

(c) Unaided private schools where government has no administrative control are 'State' within the meaning of Article 12. (True/False)

(d) Tax laws are not immune from Article 14. (True/False)

(e) The Fundamental Rights guaranteed by Article 19 are available against the State only. (True/False)

(f) Prohibition of employment of children in factories is included in Article (24/25) of the Indian Constitution.

(g) Right to Education is a Fundamental Right emanating from the right to

1. Freedom of Speech and Expression
2. Equality Before Law
3. Cultural and Educational Right

(h) The Fundamental Right against Exploitation is secured to everyone citizens, noncitizens and aliens.

(True/False)

(i) To defend the country and render national service when called upon is a

1. fundamental right
2. fundamental duty
3. None of the above

(j) Which of the following can be issued only against the judicial or quasi judicial authorities ?

1. Mandamas
2. Certiorari
3. Quo warranto

2. Write short notes on : 2×5=10

- (a) The Press Council
- (b) Double Jeopardy
- (c) Right to Personal Liberty
- (d) Cultural and Educational Rights of Minorities
- (e) Uniform Civil Code

3. "The Preamble to the Constitution of India constitutes the philosophy of the Constitution." Describe the Preamble in this context. 12

OR

Write notes on : 6+6=12

- (a) The Passport Act, 1967
- (b) The Foreigners Act, 1946

4. Explain the terms 'Equality Before Law' and 'Equal Protection of Law'. Point out the limitations, protective discrimination or reasonable classification in short. 6+6=12

OR

Write notes on : 6+6=12

- (a) Doctrine of Eclipse
- (b) Doctrine of Severability

5. What are the categories of freedom guaranteed under Article 19 ? Explain the reasonable restrictions in this context. 6+6=12

OR

Describe Freedom of Speech and Expression.
Explain whether Freedom of Press is inherent in the Freedom of Speech and Expression. 12

6. Explain broadly the concept of Right to Life and Liberty as guaranteed under Article 21 of the Indian Constitution. What are different facets of Right to life? 6+6=12

OR

Explain the Right to Freedom of Religion.
What are the restrictions on Freedom of Religion? 12

7. What is Public Interest Litigation? Explain the rule of locus standi. What are the abuses of PIL? 6+6=12

OR

Describe broadly the Directive Principles of State Policy. Are they enforceable in the Courts of Law? Explain. 12