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14 (LLM-1) 1001

2023

**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. It will be wrong to suppose that the Indian Constitution is just a carbon copy of other Constitutions and contains nothing new and original. While adopting some of the principles and institutions developed in other democratic and federal countries, it yet strikes new paths, new approaches and patterns, in several directions. It makes bold departures in many respects from the established constitutional norms and introduces many innovations.

Critically examine the above in reference to the role played by the Constituent Assembly in framing the Constitution. 16

Contd.

Or

Preamble shows the Philosophy and important principles of the Constitution. What do you understand by Philosophy of the Constitution? How does the Preamble express the Philosophy of the Constitution of India? 4+12=16

2. The Objective of Article 13 is to secure the Paramountcy of the Constitution in regard to Fundamental Rights.

Critically examine the above statement. Discuss the doctrines of eclipse and severability with the help of case laws.

6+10=16

Or

- (a) Citizenship, identity and immigration have long been sensitive and flammable issues in Assam. Evaluate the statement in reference to the observation of the Apex Court.

- (b) How the Supreme Court of India has expanded the scope of 'Other authorities' under Article 12 of the Constitution of India.

8+8=16

3. Directive Principles embody the aspirations of the people, objectives and ideals which Union and the State Governments must bear in mind while making laws and formulating policies.

Discuss the scope and importance of the Directive Principles of State Policy under the scheme of Constitution of India. What steps have been taken by the government so far to implement various Directive Principles of State Policy? 8+8=16

Or

(a) The Constitution (Forty-second Amendment) Act, 1976 introduced certain changes in part-IV of the Constitution by adding new directives.

Mention the directive principles that are introduced by the said amendment.

6

(b) What do you understand by 'Uniform Civil Code'? Examine its relevance for a secular country like India and challenges in its implementation. Refer relevant case laws.

10

4. What are the privileges at present enjoyed by each House of the Parliament and its members by Virtue of Article 105(3) of the Constitution of India?

Discuss the significance of parliamentary privileges. 10+6=16

Or

(a) A House has power to punish a person, whether its member or outsider, for its 'contempt' or 'breach' of privilege.

Critically examine the statement in reference to power of the parliament to punish for its contempt. 8

(b) Each House of the Parliament has a committee of privileges to advise it in matters affecting its powers, privileges and immunities as well as these of its members and committees.

Discuss the functioning of such committee. 8



5. The civil servant is indispensable to the governance of the country in the modern administrative age. The task of efficiently and effectively implementing the policies and laws falls on the civil servants. The Constitution, therefore, seeks to inculcate in the civil servant a sense of security and fairplay so that he may work and function efficiently and give his best to the country.

Who is a civil servant? Critically examine the provisions of the Constitution of India relating to the protection of civil servants in India. Embellish your answer with the help of relevant case laws. 16

Or

(a) What is doctrine of pleasure? Discuss the restrictions on the doctrine of pleasure. 3+3=6

(b) Write short notes on :

- (i) Appointment and term of office of members of Public Service Commission 4
- (ii) Functions of Public Service Commission 6