

Total number of printed pages-4

14 (LLM-3) 3011

2023

**PRINCIPLES OF CONSTITUTIONAL
LAW-I**

Paper : 3011

Full Marks : 80

Time : Three hours

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

1. A political community's constitution articulates the principles determining the institutions to which the task of governing is entrusted, along with their respective powers.
In the above context, attempt a brief exploration of the nature and scope of the Constitution of India. 16

Or

Narrate briefly the incidence of written Constitution as a legal document and paramount law of a country. How would you distinguish a Written Constitution from Unwritten Constitution pointing out the advantages and disadvantages of each ? How far has the Written Constitution of India been able to fulfill the aspirations of the federating units particularly safeguarding the interest of smaller nationalities ?

4+8+4=16

Contd.

2. Depending on how a Constitution organizes power between the Central and Subnational governments, a country may be said to possess either a Unitary or a Federal system.

Write a brief explanatory note on the above and trace out the merits and demerits of both of the systems. What is an ideal form of government according to you for a populace and vast country like India having diverse linguistic and religious traits ?

4+8+4=16

Or

The Indian federalism does not follow strictly the conventional or orthodox federal pattern. Along with adopting some of the techniques developed in other federations for making the federal fabric viable, it also breaks much new ground and develop some novel expedients and techniques of its own, and is thus characterised by several distinctive features as compared with other federal countries.

Comment on the above and find out the distinctive features of the Indian federalism.

16

3. 'The position of the Preamble to a Constitution is not the same as the position in an ordinary statute. Much importance is attached to the Preamble in a Constitution.'

In the above context, discuss the importance of the Preamble in a Constitution. Evaluate the significance of the Preamble to the Constitution of India. 16

Or

A Constitution in order to endure has to reflect the aims and aspirations of its people. The body of the core document sheds direction in the shape of its constitutional philosophy that the state is expected to bear in mind and translate into practice.

What is the importance of political philosophy for a constitution ? Write an explanatory note on the cardinal philosophy of the Constitution of India. 4+12=16

4. The doctrine of eclipse has been held to apply only to the pre-constitutional law and not to post-constitutional law.

In view of the above statement, discuss the said doctrine with the help of decided case laws of the Supreme Court of India. 16

Or

Write brief notes citing case laws on the following doctrines : $8+8=16$

- (a) Doctrine of colourable legislation
- (b) Doctrine of prospective overruling

5. Discuss in detail the modern significance of Rule of Law. How the Rule of Law is interpreted by the higher judiciary in India? Cite some landmark judgments of the Supreme Court of India to justify your answer. $8+8=16$

Or

When the rules for governance are written in the Supreme document, that is, the Constitution, what is the need for interpretation of the Constitution? Discuss the methods and principles of interpretation of Constitution. Embellish your answer with reference to the Constitution of India and decided case laws of the Supreme Court of India. $6+10=16$