

KNT/KW/16/6963

**Fifth Semester B.A.LL.B 5 Years Course (C.B.S.) Examination****CONSTITUTION-II****Course Code—5.1****Compulsory Paper—1**

Time : Three Hours]

[Maximum Marks : 80

**N.B. :—** (1) **ALL** Sections are compulsory.(2) Section **A** carries **10** marksSection **B** carries **30** marksSection **C** carries **40** marks.

(3) Follow the instructions given in each section.

**SECTION—A****(Multiple choice questions)****Note :—** This section consists of **one** question having sub questions carrying **1** mark each.1. Attempt any **ten** of the following :

- I. Which one of the following cases is not related with the interpretation of the words 'other authorities' within the meaning of the definition of 'State' under Article 12 of Constitution of India ?
  - (a) Ujjambai-Vs-State of Uttar Pradesh
  - (b) University of Madras-Vs-Shantabai
  - (c) Ajay Hasia-Vs-Khalid Mujib
  - (d) M.C. Mehta-Vs-Union of India
- II. State shall not make any law which takes away or abridges the fundamental rights. Which one of the following shall not be construed as 'law' for this purpose ?
  - (a) Ordinance
  - (b) By-law
  - (c) Rule
  - (d) Constitutional Amendments

- III. Which amongst the following notions is true with respect to the ideal of secularism in the spirit of the Constitution ?
- (a) All religions are equal in the eyes of State
  - (b) State is neutral towards all the religions
  - (c) There is no official religion of India as a State
  - (d) All the above
- IV. Which of the following Articles of the Constitution of India mentions for reservation in public employment in favour of backward classes ?
- (a) 16 (1)
  - (b) 16 (2)
  - (c) 16 (3)
  - (d) 16 (4)
- V. That "no person accused of an offence shall be compelled to be a witness against himself" is a :
- (a) Directive principle which the State should apply while enacting criminal laws.
  - (b) Human right under the Universal Declaration of Human Rights.
  - (c) Fundamental Right under the Constitution of India.
  - (d) Ordinary consultation right.
- VI. When a writ is issued to an inferior court or tribunal on grounds of exceeding its jurisdiction or acting contrary to the rules of natural justice, it is called a writ of :
- (a) Certiorari
  - (b) Mandamus
  - (c) Quo-warranto
  - (d) Habeas corpus
- VII. Which one of the following is the correct statement ? Double Jeopardy means :
- (a) Trying two persons jointly, for the same offence
  - (b) Trying the same person for two offences at two different times.
  - (c) Putting the same person on trial twice for the same offence in spite of his conviction in the earlier.
  - (d) Trying a person for two offences committed by him in one incident.

- VIII. After which of the following decisions of the Supreme Court, was the special provision socially and educationally backward classes introduced by way of Constitutional Amendment ?
- (a) Balaji V/s State of Mysore
  - (b) State of Madras - V/s - Champakam Dorai Rajan
  - (c) E.P. Royappa - V/s - State of Tamil Nadu
  - (d) Periakaruppan - V/s State of Tamil Nadu.
- IX. According to the decision of Bijoy Emmanuel - Vs - State of Kerala, what is imperative to show the requisite respect to the National Anthem ?
- (a) To bow
  - (b) To sing it completely and saying "Bharat Maata Ki Jai" after having sung
  - (c) To stand respectfully
  - (d) To sing and stand respectfully
- X. Which of the following Article (s) of the Constitution of India is / are exception to the fundamental rights enumerated under Art. 14 or 19 ?
- (a) Art. 31 A only
  - (b) Art. 31 C only
  - (c) Art. 31 A and Art. 31 C both
  - (d) Neither Art. 31 A nor Art. 31 C
- XI. Which one the following is not expressly covered as a fundamental right under the Constitution of India ?
- (a) Right to health
  - (b) Right to privacy
  - (c) Right to freedom of press
  - (d) All the above
- XII. The doctrine of prospective overruling was first evolved by Chief Justice Subba Rao in :
- (a) Golaknath - Vs - State of Punjab
  - (b) Sajjan Singh - Vs - State of Rajasthan
  - (c) Keshvananda Bharati - Vs - State of Kerala
  - (d) Shankari Prasad - Vs - Union of India

XIII. 'Right to Life' does not include 'Right to die' – this was observed in :

- (a) State of Maharashtra - V/s - Maruti Sripati Dubal
- (b) P. Rathinam - V/s - Union of India
- (c) Nagbhushan Patnaik - Vs - Union of India
- (d) Smt. Gian Kaur - Vs - State of Punjab

XIV. The Right to Education given under Article 21A was inserted by which of the following Constitutional Amendment ?

- (a) 42nd Amendment
- (b) 86th Amendment
- (c) 92nd Amendment
- (d) 76th Amendment

XV. Which one of the following fundamental rights is available to both citizen as well as non-citizen ?

- (a) Right to equality in the matters of public employment
- (b) Right to equality
- (c) Freedom of speech and expression
- (d) Cultural and educational rights

1×10=10

### SECTION—B

#### (Short answer questions)

**Note :—** Both the questions are compulsory. Each question carries **15** marks.

2. Answer the following (any **three**) :

- (a) A religious subcult of a religion wants to parade nakedly wearing human skulls and bones in the public streets of Nagpur. The State Government did not give permission. They filed a writ contending that it violated their religious freedom. Discuss in light of relevant provisions of Article 25 to 28 of the Constitution of India.
- (b) A poisonous gas leaked from a fertilizer company. It caused serious health problems to the nearby residents of that locality. Can they file writ petition contending that their fundamental right to life is endangered ? Give your advice.
- (c) The Police wanted to conduct Narco Analysis test and Polygraphy test on an accused to find out the truth relating to the accused without his consent. Can the accused person oppose the conduct of such tests ? If yes, on what grounds ?
- (d) A university permitted only the employees of Government to study LL.B. in its evening college. Some of Private employees challenged the conditions as violative of right to equality. Discuss the validity of the issue challenged.

5×3=15

3. Write short notes on the following (any **three**) :

- (a) Double jeopardy
- (b) Doctrine of severability
- (c) Equal pay for equal work
- (d) Right to privacy.

5×3=15

### SECTION—C

#### (Long Answer Questions)

**Note :—** Answer any **five** questions. Each question carries **8** marks.

- 4. Define 'State' within the meaning of Article 12 of the Constitution referring to the relevant case law.
- 5. Explain the scope of freedom of speech and expression under Indian Constitution. Mention the restrictions on such freedom.
- 6. Describe the relationship between Fundamental Rights and Directive Principles of State Policy.
- 7. Discuss the scope of Article 21 of the Constitution from a comparative analysis between A.K. Gopalan's case and Maneka Gandhi - Vs - U.O.I.
- 8. Critically examine the doctrine of judicial review with the help of leading cases.
- 9. "Article 14 forbids the class legislation but permits classification"— Discuss in light of this statement the scope of doctrine of reasonable (nexus) classification.
- 10. Examine the fundamental rights available to the linguistic and cultural minorities under the Constitution of India.
- 11. Explain the Constitutional provisions as to citizenship in India.

8×5=40