

Name:	
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2018
Course: Constitution Law-I
Programme: B.Tech.LLB CL & IPR
Time: 03 hrs.
Instructions:

Semester: V
Course Code: LLBL221
Max. Marks: 100

SECTION A (2*5)

S. No.		Marks	CO
Q 1	Explain any two of the following		
1.	Uniform Civil Code	5	CO1
2.	Right to Education	5	CO2
3.	Expost Facto Law	5	CO2

SECTION B (2*10)

Q.2			
1.	Is Preamble part of the Constitution of India? Examine the values enshrined in the Preamble. Substantiate. Substantiate your answer with appropriate case laws.	10	CO3
2.	Explain the Provisions of the Constitution related to freedom of religion.	10	CO2

SECTION-C (2*10)

Q.3			
1.	Fundamental Rights and the Directive Principles form an 'integrated scheme' which was elastic enough to respond to the changing needs of the society	10	CO2
2.	Equality as provided in Article 14 is a negative as well as positive in nature. Comment	10	CO2

SECTION-D (50 Marks)

Q.4			
1.	The general principle is that a person whose Fundamental Right has been infringed has locus standi to move the Supreme Court under Art. 32 for the enforcement of his right. A person whose Fundamental Right is affected has standing to file a petition	25	CO4

	<p>under Art. 32. Therefore, the traditional rule is that the right to move the Supreme Court is only available to those whose fundamental rights are infringed. The power vested in the Supreme Court can only be exercised for the enforcement of fundamental rights. The writ under which the remedy is asked under Article 32 must be correlated to one of the fundamental rights sought to be enforced. The remedy must be sought through appropriate proceedings.</p> <p>Explain the following writs with relevant case laws.</p> <ol style="list-style-type: none"> i. Writ of Habeas Corpus.(10) ii. Difference between Certiorari and Prohibition (10) iii. Mandamus.(5) 		
2.	<p>Right to propagate religion means right to discuss and bring to the knowledge of people, tenets beliefs and principles of religion. Every person has been guaranteed the right to propagate ideas and tenets of the religion subject, however, to Part-III of the Constitution and other limitation prescribed in Article 25. In the context of right to propagate religion, right to convert others into one's religion has come up for judicial scrutiny. In the wake of alleged conversions by allurements and inducements, some States have enacted freedom of religion Acts to prevent such conversions.</p> <p>Taking into consideration the recent issue of Sabrimala, Comment on the above statement.</p>	25	CO4

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SECTION A (2*5)

S. No.		Marks	CO
Q 1	Explain any two of the following		
1.	Doctrine of Severability	5	CO2
2.	Judicial Review	5	CO1
3.	Double Jeopardy	5	CO1

SECTION B (2*10)

Q.2			
1.	Explain the right to life and personal liberty as enshrined in Article 21 of the Constitution.	10	CO2
2.	Both the Fundamental Rights and the Directive Principles were of common origin, it is clear that they both had the same objectives, namely to ensure the goal of a welfare society envisaged by the Preamble. Comment	10	CO2

SECTION-C (2*10)

Q.3			
1.	Would reservation above 50 percent be considered unconstitutional? Explain with relevant case laws.	10	CO2
2.	Explain the writ of Habeas Corpus. Is the doctrine of Res-Judicata applicable to the writ of Habeas Corpus?	10	CO4

SECTION-D (50 Marks)

Q.4			
1.	Allahabad Paper Mills, a government company, whose 60 percent of the shares are	10	CO4

	held by State Government and rest 40 percent by private shareholders. Out of the 10 directors of the company, 6 are nominated by Government and rest by the private shareholders. Appointment of the personels in the Mill are being done on the basis of the consensus of the Directors. Whether, Allahabad Paper Mills, can be considered as “Other Authorities”, for the purpose of Article 12 of the Constitution? Explain your answer with relevant case laws		
2.	United Province Maintenance of Peace Act, 1945, authorizes the State Government to exclude all the persons charged under National Security Act, 1944 to be produced before Magistrate within 24 hours. This act becomes inconsistent with Article 22(2) which mandates all the arrested persons to be produced before magistrate within 24 hours from the arrest, of Constitution of India which came into force on 26th January, 1950. In 1952, Article 22(2), was amended so as to permit the Governments so as to produce such persons who are charged under National Security Act, 1944 before Magistrate within 48 hours rather such. What was the effect of the constitutional amendment of 1952 on the law of 1945? Whether the law have become void was dead once for all and so could not be revitalised by a subsequent constitutional amendment without being reenacted or whether it was revived automatically? Explain with Relevant Case Laws.	20	CO4
3.	What constitutes religion, which is referred to as is opium of the masses, and what is included in religious practices has been the subject matter of judicial scrutiny. In the process of defining religion and identifying religious practices the courts have pronounced what may be qualified as essential religious practices and what may not be an essential religious practice and hence not protected. Comment	20	CO2