

Name:	
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2019

Course: Constitutional Law-I	Semester: III
Program: B.A.,LL.B.(H), BBA.,LL.B.(H), B.Com., LL.B.(H), B.Sc.,LL.B(H)	Time: 03 hrs.
Course Code: CLCC2001	Max. Marks: 100

Instructions:

SECTION A Attempt all questions		Marks	CO
Q 1	Can there be a suo motu action by court, for violation of a fundamental right? Give example of such action or refusal.	2	1
Q 2	Can the preamble to the Constitution be amended?	2	1
Q 3	What is autrefois convict?	2	1
Q 4	What is the difference between punitive and preventive detention?	2	1
Q 5	What is substitution of citizenship? Which constitutional provision incorporates this principle?	2	1
SECTION B Attempt any two questions			
Q 6	Explain the fundamental right to education under the Constitution of India. Refer to Constitutional provisions and decided cases.	10	2
Q 7	What are the criteria to determine Socially and Educationally Backward class of people? Explain your answer with relevant case laws also examine whether economically weaker sections can come under Socially and Educationally Backward Class of People.	10	3
Q 8	What are the main tests propounded by the Supreme Court to determine whether a body is an instrumentality or agency of the government or not within the purview of Article 12? Also, examine whether BCCI is a State or not?	10	2

SECTION-C Attempt any two Questions

Q 9	Discuss the cultural and educational rights of the minorities' vis-à-vis power of the state to regulate the educational institutions. Refer to constitutional provisions and judicial pronouncements.	10	3
Q.10	Examine the scope and ambit of Freedom of Speech and Expression provided in Art.19(1)(a) of the Constitution of India	10	3
Q.11	“Rule of Law is based on values of Constitutionalism”— In the light of above statement whether A.V. Dicey's concept of Rule of Law is reflected in the Indian Constitution?	10	3

SECTION-D Attempt all Questions

Q 12	<p>The state government of Uttarakhand advertised vacancies for superior job positions to be applied by class 3 employees of a particular department of the state government. Total 50 posts were advertised for this promotion opportunity which was to be decided on the basis of interview. Out of these only 20 seats were available for unreserved category candidates. 10 seats were claimed to be from the last year's unfilled vacancy. One of the applicants challenged the notification as violative of the constitutional scheme of reservation on the following grounds:</p> <p>i) Reservation is given for backwardness and the purpose is to remove backwardness and bring them on equal footing. As and when a candidate gets into a government job, he ceases to be a backward. The present vacancy is for promotions of government employees; so no one is backward and there should not be any reservation.</p> <p>ii) In any case the total reservation can not exceed 50% of the total seats; so the advertised scheme is unconstitutional.</p> <p>iii) Last years unfilled vacancies cannot be offered to reserved category candidates this year. Even if unfilled, present vacancy cannot be two vacancies in itself. Its one vacancy and 50% of the total has to be unreserved.</p> <p>Decide the issues and justify your answer with appropriate legislative and judicial developments.</p>	25	4
Q 13	A law was made prohibiting slaughter of cows and all animals of the cow family. This law was in news and in political discussions; and it was challenged in the Supreme Court as being unconstitutional. The petitioner contended that this law violates the	25	4

	<p>fundamental right to freedom of conscience and free profession, practice and propagation of religion as provided by Article 25 of the Constitution of India. The state defended the law and contended that it's a law made in furtherance of the Directive contained under Article 47 and 48 of the Constitution. Therefore, it cannot be held unconstitutional.</p> <p>Refer to relevant constitutional provisions and explain the relation between fundamental rights and Directive Principles.</p> <ul style="list-style-type: none">a) Evaluate the impugned law for its constitutionality. Justify your answer by logic and judicial pronouncements.b) Discuss whether the Directive Principles are enforceable through writs. Justify your answer.		