

Name:	
Enrolment No:	

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

Course: Constitutional Law -I
Semester: IV
Programme: B.Tech (CSE) LL.B. (Hons.) Cyber Laws 2017

Time: 03 hrs. **Max. Marks: 100**
Instructions:

SECTION A

	Fill in the blanks:-	Marks	CO
Q1.	_____ has the power to regulate citizenship laws in India.	1	4
Q2	Fundamental Rights can only be enforced against the state vide article _____ of the Indian Constitution.	1	2
Q3	The concept of intelligible differentia is given in Article _____ of the Indian Constitution.	1	2
Q4	The concept of Preamble of the Indian Constitution has been borrowed from the Constitution of _____.	1	3
Q5	The concept of double jeopardy is given in Article _____ of the Indian Constitution and is based on the maxim _____.	2	2
Q6	The Indian Constitution is based on the _____ model of Government and is based on the Government of India Act of _____.	2	1
Q7	Fundamental Duties and Directive Principles of State Policy are justiciable before a court of law – True/ False.	1	2
Q8	Article 21 of the Indian Constitution acquired a new dimension after the case of _____.	1	2

SECTION B

	Attempt all questions		
Q9	Explain the salient features of the Indian Constitution. Why is the Indian Constitution called quasi- federal?	10	1
Q10	“Article 14 permits reasonable classification but prohibits class legislation.” Discuss with the help of appropriate case law.	10	2

SECTION-C

	Attempt all questions.		
Q11	Discuss the various tests as laid down by the judiciary to determine whether a body is an agent or instrumentality of the government, and therefore, a state. Whether state includes, judiciary. Explain?	15	1
Q12	“Right to life does not merely mean the continuance of animal existence, rather it means the right to live with human dignity”. In the backdrop of this statement , explain briefly, the different facets of the right to life.	15	2
SECTION-D			
	Answer any two of the following questions.		
Q13	<p>In order to secure an equitable distribution of the imported newsprint and to curb the monopolistic tendency in newspaper industry, the Central Government issues the Newsprint Control Order under the Essential Commodities Act. The order provides as follows:</p> <p>(a) No person other than the Central Government shall import Newsprint. (b) No person shall use newsprint except under a license given by the Government. (c) No Newspaper establishment will publish more than 16 pages. (d) Not more than 1/5th of the space shall be used for commercial advertisement. (e) Newspapers containing 12 to 16 pages will be priced at Rs. 1.50. (f) No new edition or adjustments between different publications will be resorted to . (g) A certain percentage of news space will be allocated to pressing socio-economic issues facing the country.</p> <p>Z & Co., publishers of a national daily ‘The Times’, its editor and a reader challenge the validity of the above conditions as violative of Art 19(1) (a). How will you decide?</p> <p>What would be the status of an ordinance which restricts the number of advertisements by television per episode?</p> <p>What can be the arguments by the Government to defend their measure?</p>	25	2

Q14	<p>The State of Tamil Nadu enacted “T.N. Hindu Religious and Charitable Endowment Act, 1970” (relating to administration and governance of Hindu Religious and Charitable Endowments). The Act was enacted to check malpractices associated with hereditary priesthood in religious institutions and as a step towards social reform. The Act while abolishing the system of hereditary rule prohibits discrimination on the ground of caste, race or denomination in the matter of appointment of Archakas and Pujaris. Z challenges the validity of the above law on the ground of violation of rights under Art 25 and 26. Decide.</p> <p>Explain the concept of Indian secularism under the Indian Constitution in the light of Arts. 25 and 26.</p>	25	1
Q15	<p>It is fallacious to think that Directive Principles and Fundamental Rights are opposed to each other in their objectives. They are, in fact, “complementary and supplementary to each other, both striving to secure socio-economic welfare by ensuring a social order in which justice and individual liberty are safeguarded.”</p> <p>Discuss the relationship between the Fundamental Rights and the Directive Principles in the context of judicial decisions and constitutional amendments.</p>	25	4

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	Fill in the blanks:-	Marks	CO
Q1.	_____ system of government is prevalent in USA whereas _____ system of government is prevalent in UK.	2	3
Q2	Right to property was deleted as a fundamental right vide _____ amendment of the Constitution and added as a legal right under Article _____.	2	2
Q3	_____ given by Pt. Jawaharlal Nehru before the _____ underlines the genesis of the Preamble to the Indian Constitution.	2	1
Q4	Fundamental Duties are given in Article _____ added by _____ amendment act.	2	4
Q5	Constitution of India is rigid as well as flexible. Give reason.	2	4

SECTION B

	Attempt all questions		
Q9	India has the concept of single citizenship. Explain the citizenship laws pertaining to the country with the help of appropriate case laws.	10	1
Q10	The Preamble of the Indian Constitution underlies the basic ideals of our constitutional structure. Explain the several ideals with the help of appropriate cases.	10	2

SECTION-C

	Attempt all questions.		
Q11	“Procedure established by law under Art. 21 should be just, fair and reasonable”. Discuss referring to inter relationship between Arts. 14, 19 and 21 of the Constitution.	15	2
Q12	Discuss the relationship between Directive Principles and Fundamental Rights in the context of judicial decisions and constitutional amendments.	15	4

SECTION-D

	Answer any two of the following questions.		
Q13	<p>The National Security Act (NSA) provides for ‘preventive detention’ for reasons connected with Defence, Foreign Affairs, Security of India or a state, the maintenance of public order, or the maintenance of supplies and services essential to the community. A, who is detained on the ground of ‘acting in any manner prejudicial to the maintenance of supplies and services essential to the community’ challenges the validity of the Act as well as his detention under Art. 14, 21 and 22 of the Constitution. His contentions are: -</p> <p>(a) Preventive Detention is undemocratic and basically impermissible under the Constitution.</p> <p>(b) The grounds of detention under the act are vague; no detention can be ordered on the said ground unless the law or the government has notified the “supplies and services” which are considered essential for the application of the ground.</p> <p>(c) He is not permitted to be represented by a lawyer friend/law professor before the Advisory Board.</p> <p>(d) He is not allowed to cross-examine the detaining authority or the witness. Also, he is not supplied the name of witness.</p> <p>(e) He is not permitted to present his evidence in rebuttal of the allegations made against him.</p> <p>(f) He is denied his right to live with human dignity in as much as he has no access to reading materials, cannot wear his own clothes or eat his own food and also he is denied visits from friends and relatives. Rules also authorize the authority to shift him from place to place.</p> <p>(g) He was given the grounds of detention after 7 days of detention and the detaining authority did not give any reasons for the delay. Will he succeed? Decide</p>	25	2
Q14	The State of Tamil Nadu enacted “T.N. Hindu Religious and Charitable Endowment	25	1

	<p>Act, 1970” (relating to administration and governance of Hindu Religious and Charitable Endowments). The Act was enacted to check malpractices associated with hereditary priesthood in religious institutions and as a step towards social reform. The Act while abolishing the system of hereditary rule prohibits discrimination on the ground of caste, race or denomination in the matter of appointment of Archakas and Pujaris. Z challenges the validity of the above law on the ground of violation of rights under Art 25 and 26. Decide.</p> <p>Explain the concept of Indian secularism under the Indian Constitution in the light of Arts. 25 and 26.</p>		
Q15	<p>In order to make the best use of limited resources in the country and to meet certain demands of the journalists and other workers in the newspaper industry, the Government plans to enact a law which (i) fixes the minimum wages for all the journalists and workers, (ii) declares Sunday and all other national holidays as compulsory holidays for the newspaper industry. Discuss the constitutional validity of such legislation vis- a – vis Article 19 (1) (a) .</p> <p>Also discuss the concept of right to life which goes beyond mere animal existence under the aforementioned situation.</p>	25	2