

Name:

Enrolment No:



**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**  
**End Semester Examination, DEC 2020**

**Course: CONSTITUTIONAL LAW-I**

**Program: BBA.LL.B(H),B.COM LL.B(H), BA LL.B(H) B.SC.LL.B(H)**

**Course Code: CLCC 2005**

**Instructions:**

**Semester: III**

**Time: 03 hrs.**

**Max. Marks: 100**

S. No.	<b>SECTION-A</b>	Marks	CO
	1. Each Question will carry 5 Marks 2. Instruction: Write answers within 100 words		
Q1	Discuss the doctrine of eclipse. Does it apply on post constitution laws? Discuss with example	5	CO1
Q2	. The authority of Parliament “to diminish the area of any State” envisages taking out a part of the area of a State and adding it to another State; the area diminished from one State must continue to be a part of India and it “does not contemplate cession of national territory in favour of a foreign country”. Discuss.	5	CO1
Q3	Constitutions spring from a belief in limited government’. Explain the statement	5	CO1
Q4	Discuss the nature of the writ of ‘certiorary’. Justify with examples and appropriate authorit	5	CO1
Q5	Discuss the Importance of Fundamental Duties? How far fundamental duties different from Directive Principles of the state Policy?	5	CO1
Q6	What is the difference between punitive and preventive detention?	5	CO1
	<b>SECTION-B</b>		
	1. Each question will carry 10 marks 2. Instruction: Write short / brief notes		
Q7	Discuss the status of right to education before and after the 86th amendment	10	CO2
Q8	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 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. Refer to relevant constitutional provisions and explain the relation between fundamental rights and Directive Principles.	10	CO2

Q9	Examine the scope and ambit of Freedom of Speech and Expression provided in Art.19(1)(a) of the Constitution of India in context with the Contempt of the Court.	10	CO2
Q.10	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	CO3
Q.11	“It is said that the due process clause of American Legal System entered through back door in Indian Legal System by way of judicial creativity”.— In light of the above statement examine, how due process clause rejected in interpretation of Article 21 in A.K. Gopalan vs. State of Madras and was adopted later by Apex Court in Maneka Gandhi vs. Union of India ?	10	CO3
	<b>SECTION-C</b> 1.Each Questions carries 20 Marks 2.Write Long Answers		
Q12	<p>A, an individual was convicted of the offence of rape on 24 August, 2020. At the time of commission of offence , the mandated penalty for rape was life imprisonment. However, due to the increasing spate of rapes in the country, an ordinance was introduced which changed the penalty to death sentence. Owing to public pressure, the government of oceania decided to hang A.(a)Decide the validity of A’s conviction under the new ordinance (b) Explain double jeopardy under article 20 with relevant case laws (c) Explain self incrimination with specific reference to Selvi v State of Karnataka</p> <p style="text-align: center;">OR</p> <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,</p>	20	CO4

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.

ii) In any case the total reservation can not exceed 50% of the total seats; so the advertised scheme is unconstitutional.

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.

Decide the issues and justify your answer with appropriate legislative and judicial developments.