

<b>Name:</b>	 <b>UPES</b> UNIVERSITY WITH A PURPOSE
<b>Enrolment No:</b>	

**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**  
**Online End Semester Examination, May 2021**

**Course: Constitutional Law-I**  
**Program: B.Tech.,LL.B. (Hons.)**  
**Course Code: CLCC 2001**

**Semester: IV**  
**Time 03 hrs.**  
**Max. Marks: 100**

**SECTION A**

1. Each Question will carry 5 Marks
2. Instruction: Word limit- 80-120 words.

S. No.	Question	CO
Q 1	What is substitution of citizenship? Refer to relevant article of the constitution?	CO 1
Q2	Against whom the fundamental rights are generally available? Discuss	CO 1
Q3	Discuss the doctrine of eclipse. Does it apply on post constitution laws? Discuss with examples	CO 1
Q4	What is double jeopardy? Briefly discuss with relevant cases.	CO 1
Q5	Illustrate the doctrine of 'Separation of Powers'. Explain its applicability in India?	CO 1
Q6	Briefly discuss the doctrine of waiver. Cite relevant cases and examples.	CO 1

**SECTION B**

1. Each question will carry 10 marks
2. Instruction: Write short / brief notes

Q 7	Explain the Instrumentality test for determining the meaning of "other authorities" in the definition of 'state'. Support your answer by relevant judicial pronouncements and explain the present day justifiability of instrumentality test.	CO 2

Q 8	Discuss the fundamental right to freedom of press. Support your answer by relevant cases and provisions.	CO2
Q 9	Discuss the right to constitutional remedies. Can the court act at its own instance? Also mention the remedies available under this fundamental right.	CO3
Q 10	Explain the carry forward rule and its permissibility in relation to educational admissions and opportunities of employment. Refer to legislative and judicial developments to justify your answer.	CO3
Q 11	Laws inconsistent with the fundamental rights are void to the extent of such inconsistency. Discuss the effect and ambit of severability	CO4

**Section C**

**1. Question carries 20 Marks.**

**2. Write descriptive answer**

Q12	<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> <ul style="list-style-type: none"> <li>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.</li> <li>ii) In any case the total reservation can not exceed 50% of the total seats; so the advertised scheme is unconstitutional.</li> <li>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.</li> </ul> <p>Decide the issues and justify your answer with appropriate legislative and judicial developments.</p>	CO4
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