



## BRAINWARE UNIVERSITY

**Term End Examination 2023-2024**  
**Programme – LL.B.-2022/LL.B.-2023**  
**Course Name – Constitutional Law I**  
**Course Code - LLB104**  
**( Semester I )**

**Full Marks : 60**

**Time : 2:30 Hours**

[The figure in the margin indicates full marks. Candidates are required to give their answers in their own words as far as practicable.]

### **Group-A**

(Multiple Choice Type Question)

1 x 15=15

1. *Choose the correct alternative from the following :*

(i) Identify the basis of Judicial Review:

- |                               |                                 |
|-------------------------------|---------------------------------|
| a) Precedents and conventions | b) Rule of law                  |
| c) Due process of law         | d) Procedure established by law |

(ii) Identify when Supreme Court can issue writ of Habeas Corpus:

- |  |   |
|--|---|
| a) Prohibit an authority from acting beyond its jurisdiction | b) Compel an authority to perform its duties    |
| c) Order the release of a person unlawfully detained         | d) Transfer a case from a lower court to itself |

(iii) Select the case in which it was held by the Supreme Court that the Preamble is not the Part of the Constitution:

- |                       |                     |
|-----------------------|---------------------|
| a) A.K. Gopalan case  | b) Berubari case    |
| c) Minerva Mills case | d) A.K. Antony case |

(iv) Identify the ideals on which the Preamble to the Indian Constitution is based on:

- |  |   |
|--|---|
| a) Justice, Liberty, Equality, Fraternity.   | b) Freedom, Unity, Democracy, and Socialism |
| c) Truth, Non-violence, Peace, and Tolerance | d) Liberty, Equality, and Fraternity only   |

(v) Locate the Fundamental Right that ensures protection against discrimination on grounds of religion, race, caste, sex, or place of birth:

- |                                     |                               |
|-------------------------------------|-------------------------------|
| a) Right to Equality                | b) Right to Freedom           |
| c) Right to Constitutional Remedies | d) Right against Exploitation |

(vi) Identify Article 16 of the Indian Constitution guarantees equality of opportunity in matters of:

- |   |  |
|---|--|
| a) Employment under the State                 | b) Higher education in public institutions             |
| c) Political representation in the Parliament | d) Participation in cultural and religious activities: |

(vii) Recall to whom the Right to Equality is available to:

- |                         |                                      |
|-------------------------|--------------------------------------|
| a) Only Indian citizens | b) Only adults above 18 years of age |
|-------------------------|--------------------------------------|

- c) All persons in India, including citizens and non-citizens      d) Only government employees
- (viii) Predict the Committee on whose recommendation the Fundamental Duties were included in the Constitution:
- a) Nehru Committee      b) Sarkaria Commission  
c) Swaran Singh Committee      d) Venkatachaliah Commission
- (ix) State the ground on which restrictions can be imposed on the Right to Freedom of Speech and Expression :
- a) National security, friendly relations with foreign states, and public order      b) Political ideology or party affiliation  
c) Economic stability and trade agreements      d) All of the above
- (x) Determine the Directive Principles of State Policy are primarily aimed at establishing a:
- a) Welfare state      b) Capitalist state  
c) Communist state      d) Dictatorship
- (xi) Identify the Constitution of the country from which Directive Principles of State Policy are inspired:
- a) United States of America      b) United Kingdom  
c) Ireland      d) Germany
- (xii) Select the feature that is not borrowed from United Kingdom:
- a) The Cabinet system of Government      b) The Parliamentary type of Government  
c) Bicameral Parliament      d) Written Constitution
- (xiii) Select from the following, the Fundamental rights secured to the individual are:
- a) limited to the State action only      b) meant to protect persons against the conduct of private persons  
c) meant to protect persons against the police action      d) all of the above are correct.
- (xiv) Locate the case where the Supreme Court held that an amendment of the Constitution under Article 368 was 'law' within the meaning of Article 13:
- a) Golaknath v. State of Punjab      b) Sajjan Singh v. State of Rajasthan  
c) Shankari Prasad v. Union of India      d) Keshvananda Bharti v. State of Kerala
- (xv) Name the phenomena where the court declare certain provisions of the Act invalid, it does not affect the validity of the Act it remains as it is:
- a) Doctrine of severability      b) Doctrine of eclipse  
c) Doctrine of prospective overruling      d) None of the above

### Group-B

(Short Answer Type Questions)

3 x 5=15

2. Explain State as propounded under Article 12 (3)
3. State the difference between Equality before law and Equal protection of law. (3)
4. Enumerate the objectives as enshrined in the Preamble (3)
5. Discuss the relationship between the Fundamental Rights and the Directive Principles of State Policy. (3)
6. Evaluate the position of right to property after the Constitution 44th Amendment Act, 1978. (3)

OR

Illustrate Protection against Self-incrimination under Article 20 (3)

### Group-C

(Long Answer Type Questions)

5 x 6=30

7. Describe the Writs provided under the Constitution. (5)
8. Define Doctrine of Severability (5)

9. Analyze the effect of 86th Constitutional Amendment Act on Part IV & IVA of the Constitution (5)
  10. Describe the constitutional safeguards provided in favour of an accused person. (5)
  11. Explain how do Directive Principles guide legislative action in India with examples of laws and policies that have been enacted to fulfil the goals outlined in DPSP. (5)
  12. Evaluate the ADM Jabalpur case. (5)
- OR**
- Evaluate the case of Navtej Singh Johar V. Union of India (5)

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