West Bengal Judicial Service (Mains) 2020

The Indian Constitution and Constitutional Law · optional paper

Time: 3 hours · Full marks: 100 · All questions carry equal marks · Answer any five questions choosing at least two from each group

Group A

1. (a) Discuss the importance of Preamble in interpreting the provisions of the Constitution.
(b) Is the Preamble a part of the Constitution? (12+8=20)

2. (a) Enumerate the persons who were citizens of India at the commencement of the Constitution of India.
(b) Will an Indian in origin born outside India and ordinarily residing outside India be an Indian citizen? If not what has to be done so that he can become an Indian citizen?
(c) Can a juristic person, such as a company, be a citizen of India? (10+5+5=20)

3. (a) Define 'state' for the purpose of fundamental right.
(b) Can there be a law in contravention of the fundamental rights?
(c) Can the fundamental rights be waived? (10+5+5=20)

4. (a) When can Parliament legislate on matters included in the state list?
(b) What are the constitutional provisions regarding inconsistency between laws made by Parliament and laws made by States? (15+5=20)

Group B

5. In the light of judicial decisions explain the relationship between fundamental rights and directive principles of state policy. (20)

6. (a) Discuss the pardoning power of the President.
(b) Can there be a judicial review of President's pardoning power?
(c) What do you understand by the term "collective responsibility"? (10+5+5=20)

7. (a) What is a Money bill? State the special procedure in respect of passing a Money bill in the Parliament. Who will decide whether a bill introduced in a Parliament is a Money bill or not?
(b) Write a note on holder of office of profit under the Government. ((2+10+2)+6=20)

8. (a) Explain the provisions of the Constitution of India by which the independence of the Supreme Court is safeguarded.
(b) Analyse the effect of the proclamation of emergency under Article 352 of the Constitution on Centre-State Relationship. (10+10=20)