

# ARUNACHAL PRADESH PUBLIC SERVICE COMMISSION

## Subject: - Constitutional Law

Time: 3 (three) hours

Full Marks: 100

(Group A is compulsory. Attempt any FOUR questions from Group- B)

### **GROUP-A** **(Compulsory Group)**

**Q.No.1.** Attempt any 10 (ten) from the following:

**(10×2=20)**

- Describe the procedure for a constitutional amendment.
- Describe the doctrine of "double jeopardy".
- Describe the constitutional provision relating to "self-incrimination".
- Explain the concept of "reasonable restriction".
- Rights of arrested persons.
- Opportunity of being heard under Article 311 of the Constitution of India.
- Can a person convicted for an offence and disqualified to be a member of the State Legislature be appointed as a Chief Minister?
- Describe the doctrine of "territorial Nexus".
- Residuary power of legislation.
- Ordinance-making power of the President.
- Curative petition.
- Proclamation of emergency on the ground of war and external aggression.

### **GROUP-B** **(Attempt any four)**

**Q.No.2.** Attempt any 4 (four) from the following:

**(4×5=20)**

- Can the President appoint as Prime Minister a person who is not a member of either House of Parliament? Answer with the help of decided cases.
- "Parliament by law renames a state without receiving the approval of the affected state legislature." Discuss the Constitutional validity of Parliament.
- Is consultation with the 'collegium' of judges necessary when appointment of a permanent judge of a High Court, if the process had already been complied with at the time of initial appointment of the same person as an additional judge of the High Court? Decide.
- Discuss the constitutional safeguards given to the civil servants.
- "The right to free speech under Article 19(1)(a) does not include the right to use air waves that are public property". Discuss with the help of decided cases.
- Discuss the constitutionality of the 'carry-forward' rule.

**Q.No.3.** Attempt any 4(four) of the following:

**(4×5=20)**

- a. Discuss with the help of decided cases the constitutional validity of reservation of posts of Scheduled Caste (SC) and Scheduled Tribe (ST) persons in promotion with the benefit of Consequential seniority.
- b. What are the constitutional safeguards against custodial violence and torture? Answer citing relevant case law.
- c. Elaborate on the constitutional validity of the extent to which freedom to profess, practice and propagate religion include the freedom of religious conversion.
- d. What is the doctrine of Pith and Substance.
- e. A state law banned the use of loud-speakers after 10 p.m. in the interest of reducing noise pollution. Is this law valid? Discuss.
- f. What are the necessary pre-condition before President's rule can be imposed in a state?

**Q.No.4.** Attempt any 4(four) of the following:

**(4×5=20)**

- a. What is power of Parliament to cede Indian Territory to a Foreign Nation?
- b. What do you mean by writ of *mandamus*.
- c. What are the principals of interpretation regarding distribution of subject-matter of legislation?
- d. Explain the basic structure doctrine with regard to Fundamental Rights.
- e. Explain the meaning of personal liberty in Article 21 of the Constitution.
- f. Discuss with the help of decided cases the constitutional validity of reservation of seats for socially and educationally backward classes of citizens in private unaided colleges in a state.

**Q.No.5.** Attempt any 4(four) of the following:

**(4×5=20)**

- a. "Supreme Court declared as illegal the use of Narco analysis, brain mapping and polygraph test on an accused or suspect without their consent". Discuss.
- b. Describe the doctrine of Eclipse.
- c. "A person is arrested on the suspicion of having committed theft and kept by the police in the lock up for three days". Is this action of police valid? Discuss.
- d. What do you mean by writ of *prohibition* and *certiorari*?
- e. What is meant by repugnancy? Explain with reference to decided cases.
- f. What are guidelines for invocation of Article 356 in the light of *S.R. Bommai vs. Union of India* AIR S.C. 1918?

**Q.No.6.** "Our Constitution is considered to be both Unitary as well as Federal according to the requirements of time and circumstances".

Examine critically the above observation in the light of decisions of the Supreme Court of India.

**(20)**



**Q.No.7.** Discuss the scope of freedom of trade, commerce and intercourse envisaged under the provisions of Constitution of India in the light of decided land-mark judicial pronouncement. **(20)**

**Q.No.8.** "The state shall not deny any person equality before law....". Critically examine the provisions of Constitution of India in the light of decided land-mark judicial pronouncement. **(20)**