

**LLM
FIRST SEMESTER
LIMITED GOVERNANCE &
SECURITY LEGISLATION IN INDIA
LLM - 1.5 CAL-2 [REPEAT]
(USE OMR SHEET FOR OBJECTIVE PART)**

**SET
A**

Duration: 3 hrs.

Full Marks: 70

Time: 30 min.

Marks: 20

1×20=20

(Objective)

Choose the correct answer from the following:

1. The concept of federalism mainly deals with
 - a. Judicial powers only
 - b. Administrative powers only
 - c. Powers between Union and States
 - d. Powers among citizens
2. The term "Constitutionalism" mainly refers to:
 - a. Unlimited government power
 - b. Government limited by law
 - c. Military rule
 - d. Political parties
3. The 42nd Amendment of the Constitution of India was passed in the year:
 - a. 1947
 - b. 1976
 - c. 1987
 - d. 1978
4. Transformative Constitutionalism mainly focuses on:
 - a. Radical social change
 - b. Status quo
 - c. Military intervention
 - d. Autocracy
5. Rule of Law essentially means:
 - a. Rule of a king
 - b. Rule of police
 - c. Rule of the richest
 - d. Supremacy of Law
6. Which of the following is a theme of Rule of Law?
 - a. Police supremacy
 - b. Government limited by law
 - c. Military governance
 - d. No constitutional limitations
7. Formal legality is associated with:
 - a. Respect for military rule
 - b. Predictable, publicly known law
 - c. Arbitrary orders
 - d. Police discretion
8. A.V. Dicey's classical formulation of Rule of Law does NOT include:
 - a. Supremacy of regular law over arbitrary power
 - b. Equality of all persons before ordinary courts
 - c. Predominance of individual rights developed through judicial decisions
 - d. Absolute parliamentary sovereignty without legal limits

9. A key constitutional implication of the Rule of Law in India is:
 - a. Complete exclusion of judicial review over administrative action
 - b. Presumption of constitutionality of all executive orders
 - c. Judicial power to invalidate arbitrary or manifestly unreasonable State action
 - d. Inability of courts to review security legislation
10. The distinction between "public order" and "law and order" primarily lies in:
 - a. Whether central or state police handle the situation
 - b. The amount of fine imposed
 - c. The degree and reach of disturbance to community life and societal tranquility
 - d. Whether the offence is cognizable or non-cognizable
11. The phrase "Constitution as a founding moment" in postcolonial India primarily points to:
 - a. Continuity with Government of India Act, 1935, without any rupture
 - b. The supremacy of colonial-era legislation
 - c. A deliberate normative break from colonial rule towards a democratic, egalitarian order
 - d. Exclusive protection of property rights of former rulers
12. The idea that "security legislations become a crutch for the executive" suggests that such laws:
 - a. Always increase judicial independence
 - b. Mainly reduce the workload of the police
 - c. Are used by the executive to bypass ordinary criminal procedure and accountability
 - d. Inevitably strengthen parliamentary oversight
13. Preventive detention in the Indian Constitution is:
 - a. Permitted under explicit constitutional recognition with procedural safeguards in Article 22
 - b. Completely prohibited as violative of personal liberty
 - c. Only permitted during a Proclamation of Emergency
 - d. Allowed solely for foreign nationals and not Indian citizens
14. The National Security Act, 1980 (NSA) is best characterized as:
 - a. A temporary emergency statute that lapsed in the 1990s
 - b. A statute regulating the functioning of the armed forces
 - c. A law confined exclusively to counter-terror financing
 - d. A permanent preventive detention law of general application for threats to national security and public order

15. The principal constitutional critique against sedition laws is that they:
- Are inconsistent with the federal structure of the Constitution
 - Disproportionately restrict the freedom of speech and expression guaranteed under Article 19(1)(a)
 - Violate the directive principles of State policy
 - Are inconsistent with the principle of separation of powers
16. The provision for sedition was located in which section of erstwhile IPC, 1860?
- S. 120A
 - S. 123
 - S. 153A
 - None of the above
17. AFSPA (Armed Forces (Special Powers) Act) is typically justified by the State on the ground that:
- Criminal procedure in ordinary areas is too harsh on the accused
 - Disturbed areas require special powers to the armed forces to maintain public order and security
 - It guarantees enhanced procedural safeguards for civilians
 - It deals primarily with economic offences
18. During a Proclamation of National Emergency under Article 352 (post 44th Amendment), which statement is correct?
- All fundamental rights automatically stand suspended
 - Rights under Article 19 can be restricted only if the Emergency is on grounds of war or external aggression
 - Article 21 stands suspended by default
 - Judicial review of the Proclamation is expressly barred
19. The expression "security of the State" in fundamental rights jurisprudence is generally interpreted:
- Narrowly, limited to minor law-and-order issues
 - Broadly, including any dissatisfaction against the government
 - As threats to the existence, integrity or sovereignty of the nation
 - As purely economic offences like tax evasion
20. The Unlawful Activities (Prevention) Act, 1967 (as amended) primarily deals with:
- Preventive detention for smuggling
 - Regulation of labour unions
 - Criminalization of unlawful and terrorist activities, organizations, and certain forms of association
 - Regular criminal procedure for minor offences

(Descriptive)

Time : 2 hrs. 30 min.

Marks : 50

[Answer question no.1 & any four (4) from the rest/

1. "Constitutionalism is the philosophy of limited government." Explain the meaning and history of constitutionalism. 10
2. Discuss the making of the Indian Constitution and its key features. 3+7=10
3. Discuss Preventive Detention laws in India and their impact on the Constitution. 10
4. Discuss the concept of Transformative Constitutionalism. How has it shaped post-colonial India? 6+4=10
5. "Rule of Law ensures equality and prevents arbitrary power." Elaborate. 10
6. Discuss human rights implications of national security laws in India. 10
7. "Wherever law ends, tyranny begins." 5+5=10
In light of this statement, critically examine A.V. Dicey's three core elements of the Rule of Law, explaining the principles of Supremacy of Law and Equality Before the Law with suitable illustrations and the concept of the Predominance of Legal Spirit and its relevance in sustaining constitutionalism in modern democratic States
8. "Security laws often turn into instruments of political suppression." Critically examine with reference to COFEPOSA, UAPA, NSA and AFSPA. 10

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