

LLM
FIRST SEMESTER
LIMITED GOVERNANCE AND SECURITY LEGISLATIONS IN INDIA
LLM-1.5 (CAL-2)

(Use separate answer scripts for Objective & Descriptive)

Duration : 3 hrs.

Full Marks : 70

[PART-A: Objective]

Time : 20 min.

Marks : 20

Choose the correct answer from the following:

1X20=20

1. The emergence of constitutionalism is associated with which of the following?
 - a. The emergence of contracts between rulers and ruled
 - b. Greater agricultural productivity
 - c. Increasing theocracy
 - d. The emergence of totalitarianism
2. What does the idea of Constitutionalism capture?
 - a. The idea of a limited government
 - b. The idea of government
 - c. Rule of Law Principle
 - d. None of the above
3. "Democracy is a government of the people, by the people, and for the people." Who said this statement?
 - a. Rousseau
 - b. J.S. Mill
 - c. Abraham Lincoln
 - d. None of the above
4. Which of the following is considered to be the "Mini Constitution of India"?
 - a. 42nd Amendment, 1976
 - b. Government of India Act, 1935
 - c. 44th Amendment, 1978
 - d. Both (a) & (b)
5. Rule of Law means-
 - a. Independence of the Judiciary
 - b. Existence of the written rules to regulate the conduct of government officials
 - c. That the power to make rules vests in the elected representatives of the People
 - d. That no person can be punished unless his guilt is established by a fair trial
6. Which Article of the Constitution of India provides the concept of "Rule of Law"?
 - a. Article 14
 - b. Article 21
 - c. Article 13
 - d. Article 19
7. Which of the following is not the meaning of 'Rule of law' according to A V Dicey?
 - a. Supremacy of law
 - b. Equality before law
 - c. Pre-dominance of legal spirit
 - d. Wide discretionary powers
8. A V Dicey criticized which legal system?
 - a. English legal system
 - b. French legal system
 - c. Australian legal system
 - d. American legal system
9. Which Article of the Constitution of India deals with 'Right to Freedom'?
 - a. Article 14
 - b. Article 19
 - c. Article 16
 - d. Article 21
10. How many times National Emergency has been proclaimed in India?
 - a. One time
 - b. Two times
 - c. Three times
 - d. Not yet proclaimed

11. Which of the following provisions of the Constitution of India cannot be suspended during national Emergency?
- | | |
|--------------------|--------------------|
| a. Article 20 & 21 | b. Article 14 & 19 |
| c. Article 21 & 22 | d. Article 14 & 15 |
12. Which provision of the Constitution of India deals with "Protection against arrest and detention in certain cases?"
- | | |
|---------------|---------------|
| a. Article 16 | b. Article 19 |
| c. Article 22 | d. Article 25 |
13. In which year the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act was enacted?
- | | |
|---------|---------|
| a. 1960 | b. 1974 |
| c. 1980 | d. 1985 |
14. The Armed Forces (Special Powers) Act enacted in the year:
- | | |
|---------|---------|
| a. 1958 | b. 1946 |
| c. 1952 | d. 1950 |
15. Who of the following can declare application of AFSPA in a disturbed area?
- | | |
|-----------------------|---------------------|
| 1. Judiciary | |
| 2. State Governments | |
| 3. Central Government | |
| a. 3 | b. 2, 3 |
| c. 1, 3 | d. All of the above |
16. Which Indian state has recently revoked AFSPA?
- | | |
|----------------------|--------------|
| a. Manipur | b. Meghalaya |
| c. Arunachal Pradesh | d. Tripura |
17. What is sedition?
- | | |
|--|--|
| a. Sedition is speaking highly of a government | b. Sedition is the act of refusing to join the act of military |
| c. Sedition is the act of planning, conspiring, inciting or promoting hateful speech and or actions towards a government | d. Sedition is a law that no longer exists |
18. Sedition Act was passed in which year?
- | | |
|---------|---------|
| a. 1970 | b. 1988 |
| c. 1965 | d. 1863 |
19. Which Section of the Indian Penal Code, 1860 deals with "Sedition laws"?
- | | |
|-----------------|-----------------|
| a. Section 124A | b. Section 120A |
| c. Section 107 | d. Section 290 |
20. The Sedition Act has its historical roots in what previous law?
- | | |
|-----------------------------------|--|
| a. Colonial Law | b. English Common Law |
| c. The United States Constitution | d. The First Amendment to the Constitution |

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(PART-B : Descriptive)

Time : 2 hrs. 40 min.

Marks : 50

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

1. Discuss 42nd Amendment Act, 1976 as a Draconian Act of Parliament. 10
2. "Constitutionalism is primarily based on the notion of People's Sovereignty which is to be exercised in a limited manner by a representative Government". Discuss this with the help of Principles of Constitutionalism. Cite Supreme Court Case laws. 10
3. Discuss the nexus between Rule of Law and Constitutionalism. Cite landmark case laws. 6+4=10
4. Civil liberties are certain safeguards for the Citizens of the Country. Critically discuss this with the help of Constitutional Provisions of India. 10
5. Discuss the Emergency Provisions of the Constitution of India. 10
6. Discuss briefly about AFSPA. Why the decision to withdraw AFSPA from parts of Northeast is significant? Explain. 7+3=10
7. Discuss the impact of Anti-Terrorism Laws on the enjoyment of HumanRights in India. 10
8. Critically discuss the Sedition laws in India vis-à-vis the Constitutional guarantee of Freedom. 10

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