

Main Examination (2011) for Direct Recruitment to Grade- I of Assam

Judicial Service.

Paper- III

Time:- 3 hours

CONSTITUTIONAL LAW

Answer any six questions. (5 x 6 = 30 Marks)

1. Distinguish between *public law domain* and *private law domain* in the realm of writ jurisdiction. In the light of judicial precedents, whether a High Court is empowered to grant, in exercise of its writ jurisdiction under Article 226 of the Constitution of India, compensation or not? Refer to authorities to illustrate your answer.
2. (a) "The term "authority", used in Article 226, must receive a liberal meaning unlike the term State in Article 12." Do you agree with the statement? Give reasons for your answer
(b) Is judiciary included within the meaning of the expression "State", which appears in Article 12 of the Constitution of India ?
3. "The doctrine of basic structure has established judicial supremacy in the area of constitutional amendment." Examine the statement in the light of the Supreme Court's decision in L. Chandra Kumar Vs Union of India (AIR 1997 SC 1125). Does *secularism* form part of the basic structure of the Constitution of India ?
4. Write short note: (Any two)
(a) Rule of mischief

(b) Doctrine of pith & substance.

(c) Doctrine of colourable legislation.

5. The State M passed a comprehensive Act to deal with insurgency. Under the provisions of that Act, the procedure, for trial of the accused, involved in insurgency and found in possession of firearms, was made more stringent inasmuch as certain statutory presumptions against the accused were created and the Act prescribed establishment of Special Courts for trial and the right of the accused to anticipatory bail for such offences was also done away with. K, a militant, was tried and convicted by the Special Court. He challenges the conviction and the creation of the Special Court on the ground that the Act infringes Article 14 of the Constitution. Discuss the principles of Article 14 and decide.
6. By making a writ petition under Article 226 of the Constitution of India, B challenged the validity of an Act passed by the State legislature, where under the State government was empowered to take over the control of the management, administration and governance of a famous temple K, and it appropriated to the State government the power to appoint priests. The challenge was made by B on the ground that the Act infringed the fundamental right to freedom of religion guaranteed under Article 25. You are the advocate for the State government. What would be your submissions before the High Court?

