



Bar Council of India 21st Qualifying Examination for Indian Nationals Holding Foreign Law Degrees

Paper-1-Constitutional Law

PART - A

Answer any 5 of the following:

(5 x 5 = 25)

1. Examine the relationship between Fundamental Rights and Directive Principles with the help of decided cases.
2. Explain the role of Indian Judiciary in Protection of Environment in India.
3. Explain the fundamental rights available to 'Foreign Nationals' under the provisions of the Indian Constitution.
4. Write a critical note on 'Doctrine of colourable legislation'.
5. Can the president promulgate an ordinance on a matter not enumerated in the Union or concurrent list? What are the constitutional limitations on the ordinance making power?
6. Explain the constraints on the exercise of the doctrine of pleasure in the case of the Governor in comparison to the other instances of the doctrine of pleasure in the Constitution.

PART - B

Answer any 3 of the following:

(3 x 15 = 45)

7. A doctor working in Hospital 'X' disclosed to 'Miss Z', a prospective wife of 'Mr Y' that 'Mr Y' is suffering from various chronic disease including HIV positive. 'Miss Z' refused to marry. 'Mr Y' challenged such disclosure as in violation of his right to privacy, an essential component of right to life envisaged by Article 21. Discuss with the help of decided cases.
8. Some foreign nationals came to India for religious work and stayed in India for more than 5 years immediately before the commencement of the Constitution. They stayed on the basis of foreign passport and residential permit. Can they

acquire citizenship by Domicile? Support your answer with constitutional provisions, illustrations and decided cases.

9. In a controversy relating to following certain rituals of one religion, one of the Member of Parliament opines against the ritual while entering in the House of Parliament, when the Member of Parliament was asked a question by the media. When the opinion was over-heard by other Members of the Parliament, the Security Guards and Marshals from the same religion stopped the Member at the entry of the House of Parliament and tried to use physical force against him. When the House of Parliament resumed work, the Member was not allowed to speak by the other members. Can the Member of Parliament ask for any privilege bestowed by the Indian Constitution? Support your answer with constitutional provisions, illustrations and decided cases.
10. Regulatory measures and compensatory taxes for the use of trading facilities do not hamper inter-State trade, commerce and inter course, instead help in augmenting the same. Comment on the statement and discuss the scope and present dimensions of this freedom under the Indian Constitution.

PART - C

Answer any 1 of the following:

(1 x 30 = 30)

11. Examine the scope of the consultation process and collegium system in regard to the appointment and transfer of judges of Supreme Court and High Court. Discuss about measures to ensure independence and accountability of judiciary in India.
12. Discuss the power of President to grant pardons, reprieves, respites and remissions with the help of constitutional provisions and decided cases. The exercise of these powers is subject to judicial review on certain limited grounds. Elucidate, with the help of decided cases, the requirement of exercising this power within a reasonable time-frame.