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CONSTITUTIONAL LAW

NATURE OF THE INDIAN CONSTITUTION Preamble/General

1. Is 'Secularism' an essential feature of the Constitution of India? Explain in the light of decided case laws.
2. What is 'Constitutionalism'? Explain the said concept both in its negative and positive aspects in the, context of India's tryst with 'Constitutionalism' and 'Constitutional Governance'.
3. What do you understand by the term 'Constitutional Conventions'? Are they are relevant in a country like India having a lengthy written constitution with preamble?
4. Explain the form of the Government that the Constitution of India has adopted and which has been subject of criticism. What reforms, if any, will you suggest in this regard?
5. Justify the contemporary economic liberalisation reforms on the basis of constitutional provisions.
6. "Constitution of India is first and foremost a social document". Granville Austin. Explain.
7. "The Preamble to the constitution sets out the aims and aspirations of the people of India." To what extent have they been translated into the various provisions of the



constitution?

8. 'It has been impossible to resist the growth of "conventions of constitution" in India though the Constitution is a highly comprehensive document which presents every matter in utmost details.' Discuss.
9. 'The Indian Constitution has sought to combine the presidential form with the parliamentary form of govt.' Discuss.
10. With the help of relevant decisions, discuss the place of the Preamble of the Constitution. [1979 1(c)]

Federalism

1. Explain the concept of 'Federalism' as incorporated in the Indian Constitution.
2. What do you understand by the expression 'independence of judiciary'? Why is it being discussed/debated/questioned to much nowadays? What reasons would you give for this development?
3. What do you think is the form/nature of our Constitution — Federal, Unitary or Quasi-federal? The Members of the Drafting Committee call it federal, but many others would dispute this title. Critically examine the statement.
4. Differentiate between 'Federal Constitution' and 'Federal Government.' Based on Judicial pronouncements and your perception of the working of our Constitution, comment on whether India has a Federal Government or a Federal Constitution.



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5. "The Constitution of India is not true to any traditional pattern of federation." Comment.
6. "The Indian federal structure has brought in some novel provisions which are not to be found in other federations." Critically discuss.
7. "Federalism has in recent years, witnessed a change-front the dogmatic to dynamic approach." Discuss the changing approach and point out the main deviations in the working of the Constitution of India.
8. What is the nature of the Indian Constitution? Do you think it is a Federal Constitution? Discuss.
9. "The Indian Constitution is essentially federal in character, though it tends to be unitary at times." Comment.
10. "Constitution of India is neither purely federal nor purely unitary but is a combination of both". Discuss.
11. "A federal government is a legalistic government, a characteristic feature of which is the allocation of powers between the Centre and the States." Explain the provisions regarding the Centre-State relations in the fields of legislation and administration.
12. Examine critically the view of Prof. K.C. Wheare that the Constitution of India is heavily biased in favour of the Centre and is a quasi-federal one, referring also to subsequent constitutional developments.

Article 1 to 4



1. What procedure would you suggest to the Government of India where under an agreement between the Government of India and a neighbouring foreign country a small portion of Indian territory comprised in State Y has to be ceded to the above foreign neighbouring country.
2. A Parliamentary Bill providing for the reorganisation of certain States in India, inter alia provided for the division of the State of B into three units and for the annexation of one of the units to the neighbouring State of C. The bill had been referred to the State Legislatures concerned under Art. 3 of the Constitution and their views had been received. Meanwhile, the Bill was substantially amended in Parliament. The Bill, as passed by Parliament, provided for the formation of one composite unit, to be known as the State of B (with certain altered boundaries). The amended Bill was, however, not referred to the concerned State Legislatures for expression of their views. In view of this, a writ petition is filed in the State High Court, contending that the Bill, as enacted, was ultra vires. Decide.

Article 12

1. Given the contemporary economic, political and social realities, critically evaluate the judicial framework developed to determine whether an agency/body is 'State' for the purposes of Article 12. Is the test currently too narrow? Justify your answer.
2. Write short notes on Meaning of the term 'Other Authorities' under Article 12 of the Constitution.
3. The concept of instrumentality, or agency of the government is not limited to a corporation created by a statute but it is equally applicable to a company or society." Discuss and state whether Article 12 also includes private persons.



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4. Critically examine the widening dimensions of the concept "the state" in Article 12 of the constitution of India.
5. 'An authority is state within the meaning of article 12 of the constitution of India if it is an agency or instrumentality of state'. How is it determined whether an authority is an agency or instrumentality of state or not?

Article 13

1. Article 13 makes the judiciary, and especially the Apex Court, as a guardian, protector and the interpreter of the Fundamental Rights. It confers a power as well as imposes an obligation on the Courts to declare law void if it is inconsistent with a Fundamental Right. Discuss.
2. Are personal laws 'Law' for the purposes of Part III of the Constitution ? Discuss with reference to leading case law.
3. What is meant by the Doctrine of Eclipse? Under what circumstances and conditions can it be applied?

DPSP AND THEIR RELATIONSHIP WITH FRs & FDs

1. Discuss the relationship between 'Fundamental Rights' and 'Directive Principles of State Policy' in die light of die constitutional amendments and decided cases.
2. Explain the opinion of the Supreme Court of India regarding the relation between the Fundamental Rights and Directive Principles of State Policy in the light of its decided cases. Do you agree with the view that giving primacy to one over the other is to disturb



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the harmony of the Constitution? Comment with reference to the present day scenario relating to education, health, religion etc.

3. Has judiciary been a hindrance or a facilitator in the interpretation of Directive Principles? Examine in the light of various judgments of the Supreme Court.
4. "The Directive principles which have been declared to be fundamental' in the governance of the country cannot be isolated from Fundamental Rights." Explain critically. Also throw light with reference to recent judgments on the Supreme Court's view as regards the interplay of Directive principles and Fundamental Rights.
5. Explain and elucidate the significance of the various strategies adopted for the implementation for the Directive principles' of State policy enshrined in Part-IV of the Indian Constitution.
6. The scope of the constitutional harmony and balance between Fundamental Rights' and Directive Principles" of State Policy.
7. "Directive principles of state policy are not enforceable in the Court of Law but, nevertheless, they are fundamental in the governance of the country." Discuss this statement with the help of decided cases.
8. "While the implementation of the Directive Principles of the State Policy is a pre-condition for the enjoyment of Fundamental Rights, the destruction of the Fundamental Rights will frustrate the realisation of the Directive Principles". Discuss.
9. Examine critically the relationship between the Fundamental Rights and the Directive Principles of State Policy in the light of decided cases and the constitutional amendments.



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10. Directive Principles of State Policy have played a significant role in the interpretation of the constitution. Explain and illustrate your answer.
11. In recent times certain directive principles have been judicially enforced and made enforceable by imaginative and creative interpretation of Fundamental Rights. Do you agree? Give reason.
12. Discuss the nature, scope and interpretation of 'equal pay for equal work' principle under article 39(d) and 'the right to work' under article 41 of the Directive Principles of State Policy provided in Indian constitution. Is it practicable to "make them part of Fundamental Rights of people.
13. The doctrine of equal pay for equal work is an abstract doctrine and is not capable of being enforced by the courts'. Discuss.
14. Examine the legal significance of Directive Principles of State Policy and their correlation with Fundamental Rights.
15. "Our Constitution aims at bringing about synthesis between 'Fundamental Rights' and the 'Directive Principles of State Policy', by giving to the former a pride of place and to the latter a place of permanence. Together, not individually, they form the core of the Constitution. Together not individually, they constitute its true conscience."
 - (i) Explain, briefly but precisely, the above statement.
 - (ii) In what way have the recent constitutional amendments affected the relationship between the two?

AMENDMENT OF THE CONSTITUTION

Basic Feature Doctrine



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1. "The procedure adopted for amending the Constitution is unique; it is not rigid yet difficult." Elaborate.
2. The goals specified in the Preamble contain basic structure of our constitution, which can not be amended under Article 368. Elaborate in context of leading cases.
3. Constituent power to frame the constitution and the constituent power to amend the constitution have different connotation and scope. Explain.
4. "The power to destroy the Constitution is not included in the power to amend the Constitution."
5. Are there features in the Constitution of India that are basic or fundamental to it? Would you subscribe to the proposition that the parliament's competence to amend the Constitution is subject to the basic or fundamental features of the Constitution? Elucidate.
6. "All these years Article 368 has seen a tug of war between the constituent power and power of judicial review." Comment on and narrate this development in detail.
7. "The Supreme Court of India has extended the theory of basic structure of the Constitution to the constitutional morality in the case of B.R Kapur vs. State of Tamil Nadu (2001)", Explain.
8. Assuming that the Parliament, under Article 368 of the Constitution, passes the following constitutional amendments:
 - (i) Religion is a matter of personal faith. Its propagation in any form is strictly prohibited.



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- (ii) Article 16(4) of the Constitution empowering the state to make reservation in services under the state in favour of backward class of citizens is completely deleted. Discuss whether these amendments are likely to be held valid.
9. Parliament's power to amend the constitution cannot be equated with the power of the Constituent Assembly to frame a constitution.
10. "The amending power of Parliament should not be subjected to the vague and uncertain doctrine of basic structure". Comment.
11. Examine the contention that the constitution 44th Amendment which has radically altered the character and content of the right to property violates the basic structure of the constitution.
12. "The doctrine of basic structure has established judicial supremacy in the area of constitutional amendment." Examine.
13. Enumerate the various procedures of amending the constitution. Discuss the limits of the amending power.
14. Amending power has been exclusively assigned to the Union Parliament except when the amendment involves amendment of the federal provisions. 'Discuss.
15. Is the power of amendment implicit in the constitution of India and is it wide enough to replace the present constitution by a new one without the need of revolution or referendum? Discuss by making reference to Keshvanand Elharti case doctrines.



16. Discuss the ambit of Parliament's power to amend the constitution State the limitations, if any, on the amending power. Explain in this context the concepts of basic structure and essential features of the Constitution.
17. Examine the amending power under the Constitution and whether it may be termed limited amending power.
18. What do you understand by the "basic structure" Constitution and what is its legal importance?
19. Parliament enacted a statute, not dealing property rights, but affecting the rights under Article 19 and by a Constitutional Amendment it was included in the Ninth Schedule. How far can its validity be challenge before a court of law if the Amendment was: (a) before Kesavananda Bharati Case; (b) after that decision; and what grounds?
20. What do you understand by the expression 'Basic Structure of the Constitution'. Illustrate with reference to a leading case.

EMERGENCY PROVISIONS

1. Discuss the circumstances under which 'Financial Emergency' can be proclaimed by the President of India and effects thereof.
2. What restrictions have been imposed by the Constitutional amendment (44'1') to check misuse of proclamation of emergency? Discuss.
3. The framers of the Constitution felt that, in an emergency, the centre should have overriding powers to control and direct all aspects of administration and legislation throughout the country. Elucidate.
4. When can the President's Rule be imposed under Article 356 of the Constitution? Is there any need to amend Article 356 ? What will be your suggestion in this regard.
5. "The Constitution has imposed an obligation on the Union to ensure that the Government of every State is carried on in accordance with the provisions of the Constitution. In order to enable the Union to carry out this obligation the Constitution



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has conferred adequate power on it." Elucidate. Also discuss the safeguards against misuse of Article 356.

6. Examine the scope of proclamation of Emergency by the president of India and enumerate the safeguards introduced by constitutional amendments to prevent abuse of these powers.
7. What are the grounds, duration and consequences of the proclamation issued by the president of India pertaining to the failure of constitutional machinery in States? Is such a proclamation justiciable?
8. What is the meaning of failure of constitutional machinery in a state? To what extent is the satisfaction of the President in this regard subject to review by the courts? Discuss.
9. Critically examine the existing scheme of Union and state relations in India. Comment upon the Sarkaria Commission Report in this connection and examine the propriety of the power of the Union government to impose President's Rule in the states.
10. "The writ of Habeas corpus cannot be suspended even in an emergency". Discuss in the background of connected case law and constitutional provisions.
11. To what extent the Supreme Court has put a check on motivated and arbitrary dismissal of state governments by the centre under Article 356? Refer to case law.
12. Examine the conditions under which emergency can be proclaimed under Article 352 of the constitution. Point out the safeguards against undue prolongation of the emergency.
13. The Green party routs the white party in a general election to Parliament. The "Whites" do not get even a single parliamentary seat in the nine states where they had the majority of seats in the state Assembly by virtue of an election in the past. The President dissolves the assemblies of these states on the advice rendered by the Green party's cabinet at the centre. The nine states challenge the action before the Supreme Court. Will they succeed?



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14. 'The power given to the Union government to impose president's rule in the states is not consistent with the concept of federalism. Discuss the above statement and give your own suggestions to safeguard against the abuse of the said power.
15. Have the 'Emergency Provisions' in effect maintained a unitary constitution for India? Give your assessment.
16. Examine the constitutional safeguards provided against misuse of imposition of 'Emergency' under Article 352 of the constitution.
17. The President by proclamation assumes to himself the functions of the government of a state. The said proclamation has been approved by resolutions of both houses of Parliament.. What is the maximum period upto which such proclamation may continue to be in operation? What is the solution if even after the expiry of the maximum period it is not possible to hold the election in the state so as to install a popularly elected government? Is such a proclamation justiciable and if so what is the extent of the court's power to interfere in such matters?
18. Examine the scope of the Emergency Powers of the President of India and State the safeguards introduced by recent constitutional amendments to prevent abuse of these powers.

CONSTITUTIONAL POSITION OF PRESIDENT AND RELATIONSHIP WITH COMS

Constitutional Position

1. "The question whether any and if so what advice was tendered by Ministers to the President shall not be inquired into in any court" - Art 74 (2) of the constitution. Examine the scope and ambit of the exclusion of judicial review mandated by this provision in the background of decided cases.
2. Discuss the constitutional position of the President of India. On the eve of general election to the Lok Sabha and just after the last session of Parliament, the Govt, sends an ordinance to the President extending the benefit of job reservations to Dalit



Christians. The President returns the ordinance and asks the cabinet to reconsider its advice. Is the action of President sustainable under the constitution. Discuss.

3. "The central Executive exercises not only executive functions but also, in a limited way, judicial and legislative functions." Comment on the various powers of the Executive at the centre.
4. The President and Governor shall exercise their formal constitutional powers only upon and in accordance with the advice of their ministers save in few wellknown exceptional situations - Krishna Iyer J in Shamsheer Singh Vs. State of Punjab (AIR 1975 S.C.). Discuss, examining the exceptional situations in which the advice of the Cabinet may be ignored by the President and the Governor. Is there any difference between position of President and that of the Governor?
5. What are powers and rights of the President under our constitution vis-a-vis his council of ministers in running the administration of the union?
6. No one can examine the character of the American Presidency without being impressed by its mansidedness. The range of President's functions is enormous. He is the ceremonial head of the State. He is a vital source of legislative suggestion. He is the final source of all executive decisions. He is the Authoritative exponent of nations's foreign policy.
 - (i) What is character of Indian Presidency?
 - (ii) Explain the constitutional position of the Indian President in relation to council of ministers under the constitution.
7. Article 246(2) of the Constitution of India provides that "notwithstanding anything in clause (3), Parliament and subject to clause (1), the Legislature of any State also, have power to make laws with respect of any of the matters enumerated in List III in the .Seventh Schedule (in this Constitution referred to as the 'Concurrent List')."
 - (i) What is your interpretation of the aforesaid article? Does this mean joint power, or does it require that legislation thereunder by Parliament, to be effective should be approved or sanctioned by the several States?
 - (ii) What will happen in the following Cases –



- (A) If there is overlapping between a matter falling within the Union List and State List?
- (B) If there is overlapping between the Union List and the Concurrent List?
- (C) If there is overlapping between the State List and the Concurrent List?
- (D) If a matter is not within any list?

Discretionary Power

1. What are the discretionary powers of the President, if any? How much discretion does he have in the appointment of the Prime Minister, dismissal of the Government and dissolution of the Lok Sabha? Discuss.
2. Does the President of India possess powers which he may exercise independently of the Council of Ministers? Comment on the constitutional position and powers of the President particularly in circumstances (i) when the Prime Minister advises him to dissolve the House of people and (ii) after the house of people has been dissolved for holding elections before its term is over and before the newly elected Council of Ministers is formed.

Ordinance Making Power

1. What is the justification behind the Pardoning power of the President of India under Article 72 of the Constitution? Discuss with reference to Supreme Court cases the extent to which the exercise of this power can be subjected to judicial review.
2. Write short notes on "Power of President of India to grant pardons, reprieves etc. under Article 72 of the Constitution".
3. Point out the contingencies under which the President may promulgate ordinances. Discuss the limitations on this power.
4. Examine the scope of the ordinance-making power of the President.



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5. What is scope of ordinance making power of President and how far is his satisfaction about existence of necessity/ for immediate action amenable to judicial Review?

DISTRIBUTION OF LEGISLATIVE POWERS BETWEEN THE UNION AND THE STATES

1. Discuss the law relating to the powers of Parliament and State Legislatures to punish a person for breach of their privileges.
2. Discuss the legislative powers of the Union and States as provided in the Constitution on the basis of subjects and territory.
3. Discuss 'Residuary Powers' of the Parliament to legislate.
4. The non-obstante clause in Article 246 ought to be regarded as last resource in case of an inevitable and irreconcilable conflict between the lists." Examine critically. Also discuss the abuse/ abuses related to this clause.
5. Is there any connection between the doctrine of 'pith and substance' and 'non-obstante clause'? 1. Write critical notes on the following- (i) Residuary powers.
6. Write critical notes on "Doctrine of Legitimate Expectation".
7. "The entries in the legislative lists are not the source of powers for the legislative constituents, but they merely demarcate the fields of legislation. It is now well settled law that these entries are to be construed liberally and widely so as to attain the purpose for which they have been enacted. Narrow interpretation of the entries is likely to defeat their object as it is not always possible to write these entries with such precision that they cover all possible topics and without any overlapping." Critically evaluate the above statement with reference to interpretation of legislative entries contained in Seventh Schedule to the Constitution.
8. Doctrine of prospective Overruling.
9. "The doctrine of pith and substance introduces a degree of flexibility into the otherwise rigid scheme of distribution of legislative power under the Indian Constitution." Justify this statement with the help of case law.



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10. "The constitutional scheme of the distribution of legislative powers weighs heavily in favour of the Union parliament." Elucidate with the help of constitutional provisions and judicial decisions.
11. Briefly explain the principles of interpretation which have been upheld in ascertaining the respective jurisdictions of Parliament and the State Legislatures set out in Article 246 of the Constitution of India.
12. Can Parliament of India make laws on the entries in the 'State List? If so, in what circumstances?
13. Outline any three constitutional provisions that ensure nondiscrimination against any State by the Centre.
14. "What you cannot do directly, you cannot do indirectly". Discuss and comment on the theory of colourable legislation. (Colourable Legislation)
15. "The doctrine of pith and substance introduces a great deal of flexibility into otherwise rigid scheme of the distribution of legislative powers". Explain. (Pith & Substance)
16. Explain the doctrine of pith and substance in relation to distribution of legislative powers between the centre and the states. (Pith & Substance)
17. 'Distribution of legislative powers between the union and the states has been heavily tilted in favour of the Union by a liberal interpretation of the residuary power clause by the Supreme Court. Discuss.(Residuary Power)
18. 'A federal government is a legalistic government, a characteristic feature of which is the allocation of powers between the centre and the states.' Explain the provisions regarding the centre-state relations in the fields of legislation and administration.
19. A state legislatures has enacted a statute imposing a tax on buildings in the municipal areas of the State. Validity of the statute is challenged as being beyond the legislative competence of the State legislature. Entry 86 of List 1 in the Seventh Schedule states, "Tax on capital value of assets exclusive of agricultural land, of individuals and companies..." and Entry 49 of List II. "Tax on lands and buildings", The argument is that a "building" being a part of the assets the Union's power prevails over the State's power. Discuss and decide.



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20. The Parliament, under Sec. 47 of the Coal Bearing Areas (Acquisition and Development) Act, sought to acquire Coal bearing lands and rights over them, belonging to the States. West Bengal argued that the States had within their allotted field 'full attributes of sovereignty' and, therefore, "exercise of authority by the Union agencies which trenches upon that sovereignty is void.

ADMINISTRATIVE AND FINANCIAL
RELATION BETWEEN THE
UNION AND THE STATES

1. Evaluate the constitutional provisions relating to administrative relation between the Union and the State with special emphasis on inter-governmental delegation of administrative power.
2. Explain the provisions made in the constitution of India for smooth administrative relationship between the Union and the States.
3. Critically discuss the financial relations between the centre and the states? What measures have been suggested to strengthen financial position of States?
4. Examine the scope of administrative relations between the Union and the States of India.

SUPREME COURT AND HIGH COURTS –
THEIR POWER AND JURISDICTION

Supreme Court

1. Elucidate the scope of the appellate jurisdiction of the Supreme Court of India under the constitution with regard to Criminal matters.
2. While discussing the underlying principle of the 99th Amendment Act, 2014, comment on the present system of appointment of judges to the Higher Judiciary in the country.



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3. Under what circumstances, apart from concerned parties, a third party has locus standi to move writ petition before the High Court or Supreme Court? How has this procedure helped in developing and promoting democratic principles in the country?
4. Explain the scope of the 'Special Leave Jurisdiction' of the Supreme Court as expounded by it.
5. "Contempt of Court is a power inherent to a court of record." In this regard discuss the sweep of power of the Supreme Court and the High Courts to punish their contempt. Also examine the defences of 'fair criticism' and 'truth' in the light of Contempt of Courts Act, 1971.
6. Critically examine the role of the Supreme Court of India in the maintenance of minimum standards in public life and polity. Opine on how much of it is enforcement of the rule of law and how much of it is judicial activism.
7. "While certainty of law is important in India, it cannot be at the cost of justice." Critically examine this statement in the context of curative petition' in India and also refer to relevant case-law.
8. "The fragrance and colour which is enshrined in Article 141 of the Constitution of India is destined to uphold the Rule of Law in the interest of justice and people of India." Do you agree? Give reasons.
9. Examine the scope of the 'Special Leave Jurisdiction' of the supreme Court, as expounded by the Supreme Court of India.
10. Discuss in detail the advisory jurisdiction of the Supreme Court of India. Is the Supreme Court opinion binding all courts?
11. Discuss the scope of the Original and Advisory Jurisdiction of the Supreme Court of India. Also give in brief your response to the view that the Advisory Jurisdiction be abolished. [2005 2(b)]
12. Article 136 does not confer a right of appeal on a party as such but it confers a wide discretionary power on the Supreme Court to grant Special Leave to Appeal in suitable cases. Discuss.



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13. Do you agree with the view what it is not possible to define limitations on the exercise of discretionary jurisdiction vested in the Supreme Court by Article 136? Give reasons for your answer.
14. "The law declared by the Supreme Court of India shall be binding on all courts within the territory of India. Discuss.
15. State arguments for and against advisory jurisdiction of the Supreme Court?
16. The Supreme Court has been assigned the role of a sentinel on the qui vive for the protection of the Fundamental Rights. Discuss.

High Court

1. The powers under Article 226 confer a discretion of the most extensive nature on the High Courts. But the very vastness of the powers conferred on the High Court imposes on it the responsibility to use them with circumspection. Discuss briefly the principles which would regulate the exercise of the jurisdiction under Article 226.
2. "The High court's power of superintendence under Article 227 is of an administrative as well as of judicial nature." Discuss.
3. The father of a student writes a letter to the High Court complaining of ragging of freshers by senior students in the college of his son. The High Court treats the letter as a writ petition. After hearing the parties, High Court issued directions to the government to enact a suitable legislation to prevent the evil of ragging. The government questions the authority of the High Court to issues such directions, by filing an appeal to the Supreme Court. Decide, giving reason.
4. State the advantages in adjudication of disputes by administrative tribunals. Mention the ground on which the High Court may exercise judicial control on the working of these tribunals.

Appointment and Transfer of Judges



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1. How would you judge the constitutional validity of an Amendment giving primacy to the executive in the matter of appointment of the judges of the Supreme Court and High Courts?
2. Examine in detail the provisions of the C'onstitution regarding appointment of Judges of the Supreme Court of India. Is it necessary to constitute a Commission to review and reform the prevailing provisions of the Constitution in this regard ? Give reasons.
3. "The recent judicial pronouncement on the question of the appointment of the judges of the Supreme Court for appointment of Judges of the Supreme Court and the High Courts is dominated by the emphasis on integrated participatory consultative process for selecting the best and most suitable persons available for the appointment."
Elucidate the above statement highlighting the norms laid down by the Supreme Court and the High Court and for transfer of the judges of the High Courts,
4. Independence of judiciary being a basic feature of the constitution, appointment of judges should not be influenced by political considerations. Discuss.
5. Examine whether the opinion of the Chief Justice of India in regard to the appointment of Judges to the Supreme Court and High Courts is entitled to primacy. Can the President of India disregard the said opinion when it is in conflict with the advice tendered by the Council of Ministers. Refer to the constitutional issues and the case law on the point.
6. D, a judge of a High Court was transferred by the Presidential order to another High Court. D challenges the transfer on the ground that the order was issued without his Consent and without the concurrence of the Chief justices of the two state High Courts concerned and of the Chief Justice of India. Examine the legal issues involved.



7. A lawyer challenges the appointment of P as a judge of the High Court on the ground that the Chief Justice of India did not recommend the name of P when the President consulted him. Identify the issues involved in this case.

FUNDAMENTAL RIGHTS

RIGHT TO EQUALITY

Article 14

1. The horizon of 'Legal aid' has been widened best, still the impact is totally missing. How would you resolve this crisis which is ruining the life of millions of poor people of our country over the years? Suggest some concrete measures to make it more effective and implementative.
2. "Article 14 of the Constitution of India forbids class legislation not reasonable classification". Examine and also discuss how far equality of status and opportunity are achieved by this Constitutional provisions.
3. Do you agree with the view that "Equality is antithesis of arbitrariness? In fact equality and arbitrariness are sworn enemies"? Comment critically.
4. Doctrine of equality under the Constitution cannot be applied to legitimize an illegal act. Can equality be invoked to justify another wrong? Critically examine with reference to cases.
5. 'Equality is a dynamic concept with many aspects and dimensions, and it cannot be cribbed, cabined or confined within traditional and doctrinaire limits.' Explain, how the judiciary has widened the scope of the right to equality by various decisions.
6. Define and distinguish between 'formal equality' and 'substantive equality' as interpreted by the Apex Court of the country.
7. "Equality is the basic feature of the Constitution of India and any treatment of equals unequally or unequals as equals will be violation of basic structure of the Constitution of India." Explain.



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8. 'Rule of Law' does not mean rule according to statutory law, pure and simple, because such a law may itself be harsh, inequitable, discriminatory or unjust. Rule of law' connotes some higher kind of law which is reasonable, just and non-discriminatory. Explain.
9. "In fact, equality and arbitrariness are sworn enemies; one belongs to the rule of law in republic while the other, to the whim and caprice of an absolute monarch," Elucidate with the help of constitutional provisions and judicial decisions.
10. "The extensive use of the device of reasonable classification' by State and its approval by the Supreme Court has rendered the guarantee of fair and equitable treatment' under Article 14 largely illusory." Discuss making clear the constitutional and popular concepts of right to equality' in India.
11. The Civil Surgeon had issued an advertisement for a training course in midwifery at the District Hospital. The advertisement had a clause "Married women candidates must enclose along with their application their husband's written permission for pursuing the course." The wife got the letter of consent from her husband and joined the course. The husband, however, had second thoughts and wrote to her and the authority saying she should return immediately as her not being there would disturb the family life and hence she would not be permitted to join. Thereafter the authority asked her to produce another letter of "No objection" from the husband. Examine with reference to the relevant provisions of the Constitution the validity of the order of the authority.
12. What is prohibited is hostile discrimination, and not reasonable classification?
13. Arbitrariness is the very antithesis of equality'. Discuss.
14. Right to equality is available only against state actions and arbitrariness but since the right to equality has very' wide application, there has been steady enlargement of the scope of state for the benefit of people. Discuss.
15. Discuss the basic conditions for making constitutionally valid classifications under the doctrine of equality before law'. Illustrate your answer particularly with reference to validity of such enactments which apply to an individual only.



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16. 'The right to equality of people in India requires a judicious exercise of legislative and executive powers.' Discuss and evaluate the development of constitutional law in India on this aspect.'
17. 'It is now well established that while Article 14 forbids class legislation, it does not forbid reasonable classification.' Discuss.
18. The rule of law permeates the entire fabric of the Constitution and indeed forms one of its basic features.' Mr. Justice Bhagwati in Bachan Singh Vs. State of Punjab AIR 1982 SC 1325. Discuss.
19. An act passed by a State Legislature empowered the State Government to establish special tribunals and to transmit to them any case or class of cases to be tried by a summary procedure. 'X', who is accused of a murder with a political motive; is ordered by the State Government to be tried by a special tribunal with the declared objective of a speedy trial. Can the accused challenge the order before Court? If, so, on what grounds?

Articles 15-16

1. What is 'Protected discrimination'? Examine how far it is constitutional under Article 15 and 16. Give reference of decided cases. Also mention the limitations of these articles as per its application.
2. A backward class cannot be identified only and exclusively with reference to economic criterion. A backward class may, however, be identified on the basis of occupation-cum-income without any reference to caste. There is no constitutional bar in the State categorising the backward classes as "backward" and "more backward'. Do you agree with the statement? Give reasons.
3. Critically examine the constitutional validity of an amendment deleting Article 16(4) and authorizing the State to make job reservation in favour of the backward classes of citizens.



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4. "Article 16 (4) is by itself a rule of equality rather than an exception to the rule." What is your view ? Discuss with the help of case- law.
5. In order to cure the heavy under-representation of the Scheduled Castes and the Scheduled Tribes in the State services even after fifty years of the Constitution, a State wants to make a scheme, which may remove this imbalance within a period of five years. Advise the State about the steps that it may take under the Constitution for this purpose.
6. What fundamental right, if any, of a person is violated if the State acts in pursuance of either Article 15(4) or 16(4) of the Constitution of India?
7. Right not to be discriminated on the ground of sex and the need for empowerment of women by making special provision for them requires the State to ensure that women have adequate representation in Parliament. Argue for and against the proposed constitutional amendment for the purpose.
8. The Govt, of India by an office memorandum reserved 27% of posts for appointment under the state in favour of socially and educationally backward classes. A petition is filed in the Supreme Court challenging its validity on the ground that it could only be done by an Act of Parliament and not by an executive order. Decide.
9. Reservations should be made only in respect of direct recruitment at any level but not in respect of promotions. Discuss.
10. The post of the Director of Health Services was reserved by the state government for scheduled castes. 'A' a member of the scheduled caste was appointed to this post. 'B', the seniormost Deputy Director of the Health Services questioned the selection. B's argument was that treating a single isolated post of the director as reserved is 100% reservation not allowed under the constitution. Write a reasoned judgement.
11. The reservation policy adopted in India in the last four decades has failed to promote social justice. On the contrary, it has led to social friction, conflict and disharmony. It has been called a case of right goal, wrong strategy.' Critically examine this statement and suggest measures to protect the interests of socially, educationally and economically backward classes of people.



12. 'Discuss - "The Constitution of India is not an inert document... it requires taking of affirmative action and providing of correctives against social exploitation by the government'.
13. Examine the scope of protective discrimination offered to persons belonging to scheduled castes, scheduled tribes and other backward classes under Article 15(4) and 16(4) of the Constitution of India citing relevant case-law.
14. Paragraph 3 of the constitution (Scheduled Castes) order, 1950 states that a person belonging to a scheduled caste but professing a religion other than Hindu or Sikh religion is not deemed to be a member of a scheduled caste. The petitioner born in a scheduled caste later on converted to Christianity was denied the benefit of preferential treatment due to a member of scheduled caste, questions the validity of the said provision. Decide referring to the relevant court decisions.
15. In this connection, critically review the following remarks of H.M. Seervai, relating to the injustice done to members of advanced classes' by the process of reverse discrimination' under the above Articles: "It is submitted that Judges who have to balance the claims of all the parties affected by any action under Art. 16(4) ought to reflect that if the injustices of the past are to be strongly denounced now, then the future will denounce quite as strongly the injustices suffered by members of the 'advanced classes' since 1950."

RIGHT TO FREEDOM OF SPEECH
AND EXPRESSION (Art. 19)

1. Write critical notes on the following –
 - (i) Whether law relating to preventive detention can be challenged for violation of Article 19?
2. Is “Commercial advertisement” covered within the ambit of “freedom of speech and expression”? Discuss with reference to leading cases.



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3. Is there any difference between 'Right to information' and 'Right to be informed' ? Do we have any provision in the Constitution in this regard ? Discuss with reference to case law.
4. Scope of the Right with regard to self-incrimination.
5. "The term 'freedom of speech and expression' in Article 19(1) (a) has been held to include the right to acquire information and disseminate the same." Elucidate the import of this statement in the context of media industry. Is the right to paint or sign or dance covered by Article 19(1)(a) of the Indian Constitution or not?
6. Rights of the press and the problem of pre-censorship.
7. What is the meaning of 'Freedom of press' under the Indian Constitution? Can the freedom of press be restricted by a law requiring the press owners to pay minimum wages to the employees of the press? Decide.
8. "The fundamental right to freedom of speech and expression has in recent times seen expanding horizons." Discuss and point out the judicial approach in this regard.
9. "Liberty of press consists in laying no prior restraints upon publications and not in freedom from censure for matters when published." Explain and indicate how far this liberty of press is protected under the Indian Constitution.
10. In order to make the best use of the limited resources in the country and to meet certain demands of the journalists and other workers in the newspaper industry; the government plans to enact a law which (i) fixes the minimum wages for all the journalists and workers, (ii) declares Sunday and all other national holidays as compulsory holidays for the newspaper industry; (iii) requires the newspapers to allocate certain percentage of news space to pressing socio-economic issues facing the country; and (iv) prohibits certain kinds of advertisements, particularly those which make indecent depiction of women.
Your advice is sought by the government on the constitutionality of such legislation vis-a-vis Article 19(1)(a). Give your advice with reference to decided cases.
11. What is included within the right to freedom of speech and expression? Are commercial advertisements covered by the protection? Discuss referring to decided cases.



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12. X has been sentenced to death for having committed several murders. He writes his autobiography in jail and hands over the same to his wife for publication. The autobiography depicts a close nexus between X and some top government officials, some of whom had been partners in these murders. Z, a publisher accepts the autobiography for publication. The Inspector General (prisons) asks Z to stop publication of X's autobiography as it contains defamatory material against state officials and is false.
- Z contends that the Inspector General prisons has no authority to impose a prior-restraint upon the publication of the autobiography. Decide.
13. Doordarshan invited X, a lady journalist, for an interview to be telecast subsequently. The theme of the interview was "laws relating to women". In the course of the interview X referred to a bill on women's rights pending in Parliament and criticised that some of its provisions are unjustified and unconstitutional. This portion of the interview was arbitrarily deleted when the interview was telecast. X wants to challenge with deletion. Discuss the questions involved.
14. The state education rules provide for compulsory singing of national anthem in schools every morning. "X", a student, whose religion does not permit singing in praise of anyone other than God refuses to sing but stands in respect when national anthem is sung. The school authorities expel 'X' for violating the rules. Write the grounds on which the expulsion can be challenged.
15. 'Citizens' right to show films on Television and Doordarshan'. Discuss with reference to decided cases.
16. Assess how far the 'right to know' is a Fundamental Right under the constitution of India.
17. It is open for the state to curb monopolies and prevent concentration of economic power, but when such legislation has direct effect of infringing the freedom of the Press, then such legislation is required to be declared invalid in relation to the newspaper industry'. Discuss.



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PROTECTION IN RESPECT OF CONVICTION
OF OFFENCES (Art. 20)

1. A boy aged 16 was convicted and punished in 1957 to undergo rigorous punishment for six months. After his conviction, the probation of offenders Act, 1958 was passed. In appeal, he claims the protection of the probation of offenders Act, 1958. Decide.
2. Examine the scope of the constitutional guarantee to accused persons under Art. 20 of the constitution referring to relevant case-law.
3. X attempted to smuggle currency and other contraband goods out of India. The goods were seized and a customs collector passed orders confiscating the goods and imposing penalties on X, under the Sea Customs Act. On a subsequent complaint by the customs authorities, on the same facts, X was convicted by a criminal court under the provisions of the Foreign Exchange Regulation Act, the Sea Customs Act and the Indian Penal Code. X argues that this amounts to double punishment and is illegal under Art. 20(2) of the constitution. Decide.

RIGHT TO LIFE AND PERSONAL LIBERTY
(Art. 21-22)

1. Discuss the importance of 'Right to life and personal liberty' with reference to recent case laws.
2. "Right to life means something more than mere animal existence". Discuss with reference to case law. Is there any difference between the expression "right to life" and 'personal liberty'? Explain critically.
3. In what circumstances and for violation of which rights can monetary compensation be awarded to the victims? What is your view for adopting such an approach by judiciary? Analyse critically.
4. The decision of the Supreme Court of India in ADM, Jabalpur v. S. Shukla, according to Dr. Upendra Baxi made the emergency completely dark." Do you think that the



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Constitution (44 the Amendment) Act 1978 removed this darkness and provided for better protection of the Fundamental Rights? Explain.

5. Right to life has been extended to a clean human environment by the Courts in India. Discuss the development of law in this regard.
6. Whether right to vote is a fundamental or a statutory right? Justify your statement with the help of relevant case-law on this subject.
7. New frontiers of criminal justice have been spelled out from Article 21 of the Constitution, which provides that* no person shall be deprived of his right to life and personal liberty except according to procedure established by law. Discuss and refer to decided cases.
7. "Preventive Detention is the only exception carved out to the generally accepted proposition that no person shall be deprived of his personal liberty except in accordance with the procedure established by law." Discuss the safeguards evolved by the Judiciary for the protection of personal liberty of a person detained under the law of Preventive Detention.
8. Critically examine the decisions of the Supreme Court from A. K. Gopalan to Maneka Gandhi cases with special reference to "procedure established by law."
9. Discuss any one theory developed by the Supreme Court of India under Article 21 of the Constitution of India for compensation to the victims.
10. Critically examine the statement that though Maneka Gandhi Vs. Union of India has made a great advancement towards the understanding and application of the Fundamental Rights in our Constitution, it has not been able to make much difference either to the preventive detentions or towards ensuring the due process of law.
11. Explain the provisions relating to protection and improvement of environment in our Constitution with special reference to the role of judiciary in this regard.
12. "The Supreme Court in Maneka Gandhi's case has revolutionized the law relating to 'personal-liberty' under Article 21 of the Constitution." Explain with illustration.



13. The term 'procedure established by law' in Article 21 of the constitution has been interpreted by the Supreme Court to entitle an accused person to a right to fair trial. Discuss and referring to decided cases, spell out the ingredients of a fair trial.
14. The Service Rules of a statutory corporation allow the corporation to terminate the services of a confirmed employee by giving three months notice or by paying three months' salary in lieu of notice. The validity of the rule is challenged for violation of Articles 14 and 21 of the Constitution. Decide giving reasons.
15. "Right to Equality and protection to personal liberty are no longer mutually exclusive." Discuss.
16. Clause 3 of the constitution 44th Amendment Act which provides for several vital safeguards in favour of persons under preventive detention has not yet come into force as the Central Government has not issued the necessary notification under clause 2 of the Amendment. A detainee aggrieved by the Central government's apathy and inaction moves the Supreme Court in proceedings under Art.32 for a writ of mandamus to compel the government to appoint and notify the date of commencement of clause 3 forthwith. Is he entitled to seek such a direction from the court. Discuss in the background of connected case law.
18. True our constitution has no 'due process' clause but after Maneka Gandhi's case the consequence is the same." Discuss.
19. X was sentenced to death but his death sentence was not executed for ten years. X contends that to take away his life after keeping him in jail for 10 years entitles him to demand the quashing of his death sentence under Article 21 of the constitution. Examine X's contention.
20. Does the right to life and personal liberty in Article 21 of the constitution embrace a right to clean, healthy and livable environment, using the expression "environment" in its broadest meaning as understood in contemporary jurisprudence? Examine the question in the background of cognate constitutional provisions and case law.
21. "Right to life includes the right to commit suicide". Examine.



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22. Consequent on a dispute between two rival groups, the police arrested A the leader of the group and lodged him in sub-jail. A warned the authorities that the other group may attack him in jail. But the authorities did not take any precautionary measures. At night the rival group attacked and killed A in jail. The heirs of A filed a writ petition before the High Court asking for compensation for the violation of the right to life of A. The state pleads sovereign immunity. Decide.
23. Explain how fundamental right to education was evolved. What limitations are now placed on this right by the Supreme Court?
24. Are provisions relating to preventive detention undemocratic and harsh? Discuss briefly the safeguards available to a person detained under law of preventive detention.
25. X is suffering from Kidney failure and doctors advise that by frequent dialysis he can remain alive for some years. Dialysis of blood is a very costly treatment. X has some property but he wants this property to be used by her wife and children. Can X refuse this treatment? Discuss the constitutionality of the rights to life and to die.
26. 'Fundamental Rights in India secure the minimum of people's liberties which neither the state can take away nor a person can surrender. Discuss.
27. A person employed in the police department goes on hunger strike in protest against some alleged injustice pertaining to his services. He is prosecuted under section 309 of Indian Penal Code for attempt to commit suicide by going on hunger strike. The accused person claims freedom to commit suicide as part of protection to life and personal liberty guaranteed by Article 21 of the Indian Constitution. Decide referring to relevant court decisions.
28. The right to life in Article 21 includes the right to livelihood. Explain. State the precise ambit of protection to life and personal liberty under Article 21 of the constitution. What is the remedy available to a person who has been deprived of the means of his livelihood by a procedure which is just, fair and reasonable?
29. How can the writ of habeas corpus be used to protect a convict in jail from arbitrary treatment by the jail officials?



FREEDOM OF RELIGION

(Art. 25-28)

1. Write short notes on "Secularism."
2. "It is the religious teaching not the teaching of religion which is prohibited under the Constitution of India.'
3. "Secularism is neither anti-God nor pro-God. it eliminates God from the matters of State and ensures that no one shall be discriminated on the grounds of religion." In the light of the above observation discuss the true import of freedom of religion guaranteed under the Indian Constitution.
4. A law prohibits religious conversions brought about by use of fraud, force, or allurement and make it a punishable offence. In a writ petition it is alleged that the law is violative of right to propagate religion guaranteed under Article 25 of the constitution. Decide giving reason.
5. "Indian secularism is neither anti-religious nor it is based on total neutrality towards religion but is based on equal respect for all religion". Explain and illustrate.
6. Discuss the characteristics of secularism and examine how far the Indian constitution is secular.
7. The right to freedom of religion has neither created a secular state in India nor promoted secular outlook in public life.' Critically examine the above statement and suggest measures necessary to promote a secular social order in which secular state may grow.
8. Constitution of India accepts secularism but there is no rigid separation between state and freedom of religion given to the individual'. Critically examine the constitutional provisions.
9. A new colony is developed near a Jain temple which is more than 15 km. away from a city and there is no temple for worship in the colony. The people make a demand for installing Shivating in this Jain temple for worship. This demand is rejected by management of the temple. The people file a writ against the temple under article 226



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for the protection of their freedom of religion under article 25 of the constitution. Decide.

10. X, an Indian student, belonging to a religious group among Christians, known as Jehovah's Witnesses, refuses to sing the National Anthem in his school, on the ground that his religion does not permit him to join any rituals except if it be in his prayers to Jehovah, his God.' X is consequently dismissed from the school by the Headmistress of the school, acting under certain circulars of the Director of Public Administration of that State, compulsory requiring the singing of the National Anthem in every school. X challenges the validity of his rights under Arts. 25 to 26 of the Constitution. Decide, giving reasons.

CULTURAL AND EDUCATIONAL RIGHTS (Art. 29-30)

1. If the words "All minorities..... " in Article 30 of the Constitution of India are replaced by the words, "All sections of citizens having distinct language or religion", what fundamental rights of the minorities would be affected?
2. Discuss the relationship between Article 29 and Article 30 of the Constitution.
3. A minority educational institution, which is completely unaided by the government, is required by the Education Code framed by the government to pay to its teachers, salary at the prescribed rate. The institution shows its inability and contends that the enforcement of the code amounts to interference with its constitutionally guaranteed right of administration. Decide giving reason.'
4. 'Statutory regulation of educational standards and condition of employment in minority educational institutions.' Discuss with reference to decided cases.
5. 'Where the claim for protection to a minority educational institution is a mere cloak or pretention and the real motive is business adventure, the protection of article 30(1) is not available.' Comment upon the said statement and discuss the scope of constitutional rights guaranteed to minorities, referring to relevant case law.



6. A college established and administered by Arya Samaj imparts instructions through Hindi medium written in Devnagri script. The university by a circular directs that examinees from such a college must take the examination in Punjabi language written in Gurumukh. script. The college challenges the constitutional validity of the circular. Decide.

FUNDAMENTAL RIGHTS (Art. 32)

1. "PIL writ petition cannot be filed in the Supreme Court under Article 32 of Indian Constitution only if a question concerning the enforcement of 'Fundamental Rights' is involved." Comment.
2. What is 'Public Interest Litigation'? What are the major facets of this form of litigation? Also discuss the limitations of this type of litigation.
3. Do you agree with the statement that "all human rights are fundamental rights protected and recognised by the Constitution of India". Discuss with reference to statutory provisions and case laws.
4. Locus standi is necessary for challenging an administrative action, through a writ petition. How has it been liberalised in case of public interest litigation? Comment on the statement that "PIL is not a PILL against all the ILLS."
5. Examine and elucidate the scope and significance of Art. 32 of the constitution in the context of PIL as expounded by the Supreme Court in M.C. Mehta vs. VOL AIR 1987 S.C. 1086.
6. What is judicial Activism? In this context evaluate the contribution of the Supreme Court of India, which is empowered to act as the guardian of the constitutional provisions.
7. Discuss the nature and the scope of the following writs:
 - (i) Certiorari
 - (ii) Mandamus



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8. The right to receive compensation in proceedings under Article 32 of the constitution for violation of the fundamental right to life and personal liberty by public officials cannot be defeated by raising a plea of sovereign immunity. Discuss with the help of case law.
9. In matters of larger public interest the requirement of Locus Standi has been liberally construed. Illustrate your answer with reference to decided cases.
10. The Ministry of Railways invited tenders from registered second class hoteliers for running a restaurant in the New Delhi Railway Station. The highest tender offered hotelier. Y who had not filed a tender, as he was not a registered second class hotelier, challenged the award of the contract to X, by a writ petition. X contends that Y's writ petition should be dismissed, as he had not filed a tender and was thus not an aggrieved party. Decide, citing relevant cases.
11. Discuss the liability of the Government in India, for the tortious acts of its servants.
12. "Part III of the Constitution is a self contained Code. It not only described the Rights but also prescribes the remedies." Explain and illustrate with reference to the provisions of the Constitution.

FUNDAMENTAL DUTIES (Art. 51 A)

1. Enumerate the fundamental duties as provided in the Constitution of India. Also discuss the rationale behind the incorporation of fundamental duties in the Constitution of India later on.
2. "Fundamental duties are only ethical or moral duties and should not form a part of the fundamental law". Comment.
3. Spell out the object and reasons of Part IV A of the Constitution of India. Do you support this addition to the Constitution of India? Give reasons and also suggest some effective measures to make these provisions more realistic and operational. [2009 3(b)]

STATE EXECUTIVE



Governors and His Powers

1. What is the position of the Governor in a State? Examine the Pardoning Powers of the Governor under the Constitution. Is Pardoning Power, subject to judicial review?
2. Critically evaluate the powers of the Governor of a State as provided under the Constitution of India. How would you interpret the following observation that “the role of a Lieutenant Governor is no more than that of a facilitator of administration under the president’s control”?
3. What would be your opinion regarding the view that the exercise of powers by the President and Governors under Article 72 and 161 to grant mercy should also be open to Constitutional Challenge? Discuss with reference to recent cases of the Apex Court of the country.
4. Define and distinguish between ‘Constituent power’, ‘Amending power’ and ‘Legislative power’. Give illustrations.
5. The Governor of a State holds office during the 'Pleasure' of the president of India. Can he be removed by the President any time without any reason? Examine in the context of the position of the Governor under the Indian Constitution.
6. In recent times the role of Governor in the appointment and dismissal of Chief Minister has been impugned and it is said that the Court has assumed the role of the Governor and the Speaker. Comment Refer to recent cases where the Supreme Court has directed to take composite floor test and report to the Court.
7. How far the Governor of a State is bound to act with the advice of his Ministers? What functions are required by the Constitution to be exercised in his discretion?
8. The pardoning power of the Governor is not immune from Judicial review." Examine this statement in the light of the case of Satpal vs. State of Haryana, (2000).
9. What are the discretionary powers of the Governors of States? Why is there no provision in the Constitution for impeachment of a Governor? Explain.
10. "Repromulgation of ordinances without placing them before the Legislative Assembly is a fraud on the Constitution. Discuss with reference to D.C. Wadhwa's case.



11. Assess the powers of the Governor as the head of the Government of a state. Is the Governor bound to act according to the advice of the Chief Minister, when he exercises powers conferred on him under a statute as the chancellor of a University in his state? Give your reason.

UNION EXECUTIVE

President

1. Briefly enumerate the executive powers of the President, especially when two or more States are involved in non-observance of an inter-State agreement.
2. "The Prime Minister is the keystone of the Cabinet arch because he is responsible for its formation, life and death." Critically examine the above statement in the light of various provisions of the Constitution and determine the position of the Prime Minister of India in the Cabinet.
3. Examine and elucidate the constitutional scope of the Ordinance making power of the President and the Governors in India.
4. Duties of the prime Minister regarding furnishing of information to the president.
5. The distinction between 'Executive power' of the president and his 'Constitutional power'.
6. Is the president of India a mere constitutional head? Is he bound to accept the advice of the Council of Ministers? Discuss fully stating constitutional provisions.
7. Schedule-III provides for an oath of secrecy by a minister. Can a Chief Minister administer such an oath to a non-minister in order to facilitate him with access to all government documents? Give reasons.

COLLECTIVE RESPONSIBILITY

1. What is meant by 'individual responsibility' and 'collective responsibility' of the Council of Ministers? What would be the consequences of 'individual responsibility' in case a



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Minister of the Government is found guilty of tort of misfeasance by the Supreme Court of India? Comment.

2. "Collective responsibility is the very basis of the parliamentary system of government." Do you agree with this statement? What has been the impact of coalition politics on the doctrine of collective responsibility?

UPSC AND STATE PSCS : THEIR POWERS AND FUNCTIONS

1. Discuss the powers and functions of the Union Public Service Commission. Also explain how it has maintained its impartiality.
2. Evaluate the regulatory role of the Union Public Service Commission in the exercise of 'pleasure' by President of India in making appointments, promotions and in termination of service of Civil Servants.

CONSTITUTIONAL SAFEGUARDS TO CIVIL SERVANTS

Doctrine of Pleasure

1. The role of 'Ombudsman' is to correct the administrative faults which are troubling the rights of a person in view of proliferation of trading entities. Discuss.
2. The concept of 'Reasonable Opportunity' being a constitutional limitation on the doctrine of 'Tenure Pleasure'. Parliament or State Legislature can make a law defining the content of 'Reasonable Opportunity' and prescribing procedure for affording the said opportunity to the accused government servant. Explain the concept with reference to leading cases.
3. Define the term 'public servant'. Also discuss the recruitment procedure of public servants in India.
4. Explain the doctrine of pleasure incorporated into the Indian constitution in respect of Civil servants. Highlight the safeguards for the protection of civil servants.



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5. "Doctrine of Pleasure in relation to civil servants has been largely watered down by the specific constitutional safeguards guaranteed by the constitution." Discuss.
6. Efficient, corruption-free, and economically viable administration for the country requires that state must have power of hiring and firing' civil servants just as is case with ministers.
7. The tenure of the civil servants in our country being a pleasure tenure, what security of service do they have under the constitution?
8. Rule 16(3) of All India Services (Death-cum-Retirement) rules, 1958, empowers the Central Government to order 'in public interest', compulsory retirement of a person who has completed 30 years of service or attained the age of 55, giving three months notice. A review Committee reviewed the past record of an officer. X, and the confidential reports against him, and recommended his retirement at 55. X was never given an opportunity to make a representation as to why he should not be compulsory retired. On the basis of the recommendation of the Review Committee, the Central Government ordered his retirement. X wants to seek a judicial remedy, but a lawyer has advised him that he has no case, since he cannot prove mala fides on the part of the authorities. Analyse the facts and issues. Write your opinion.

Constitutional Safeguards

1. What Constitutional safeguards are available to civil servants under the Constitution of India? Explain the circumstances under which a civil servant can be dismissed from service without holding a regular inquiry against him.
2. Discuss the constitutional safeguards in respect of dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or the State. Do these safeguards override the "Doctrine of Pleasure" embodied in the Constitution?
3. "Article 311(2) lays down that a Civil servant cannot be dismissed or removed or reduced in rank unless he has been given a reasonable opportunity to show cause



against the action proposed to be taken against him". Critically examine the statement with reference to the Constitution (Forty-Second Amendment) Act, 1976.

4. X on probation in Delhi Police force was served with a notice to show cause, why he should not be discharged from service for gross neglect of duties and unsatisfactory work. X gave an explanation to appropriate authority which was not considered satisfactory. Thereafter the said authority passed an order discharging X from service for 'unsatisfactory work and conduct'. X contends that the order is invalid as he has not been given a reasonable opportunity to be heard as required by Art.311(2) of the constitution. Discuss X's contention and decide.
5. What is the scope and content of the phrase: "reasonable opportunity of being heard in respect of those charges" in Article 311(2) of the constitution of India? Does it embrace a right to receive a copy of the enquiry officer's report? Refer to case-law on the subject.
6. A public officer B is charged for corruption and after a departmental enquiry he is dismissed from service. Subsequently, he is prosecuted under criminal law for taking bribery and other offences for which he was dismissed from service. Is this prosecution before criminal court a violation of his constitutional rights?
7. A civil servant hits his superior with an iron rod in a scuffle. On a criminal charge, brought against him he is convicted. He is there upon removed from service without any hearing. The action is defended stating that his removal from service is based on the ground that led to his conviction and hence hearing is not necessary. He questions the validity of the action on the ground that it is arbitrary, violative of Article 14 and opposed to the principles of natural justice. Decide.
8. Explain the protection available to civil servants under Art. 311 of the constitution.
9. One S was compulsorily retired under Rule 56J of fundamental rules. He challenged the validity of order of retirement on ground of violation of natural justice, in as much as it had been passed without giving any reason for compulsorily retiring him and without any opportunity of showing cause against it. Decide.



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10. Discuss the constitutional safeguards, contained in Article 311 (as it stood before 42nd amendment) of the Indian Constitution against arbitrary dismissal, removal or reduction in rank of a person employed in civil capacity under the Union or state. [1978 4(a)]

PARLIAMENTARY PRIVILEGES AND IMMUNITIES

2. "With a view to enabling parliament to act and discharge its high functions effectively, without any interference or obstruction from any quarter, without fear or favour certain privileges and immunities are attached to each House collectively and to the Member thereof individually." Critically examine the statement.
3. "The issue of parliamentary privileges has been bone of contention and conflict between the parliament and Judiciary." Critically examine in the light of the decided cases.
4. "Parliamentary privileges is an essential incident to the high and multifarious functions which the legislature is called upon to perform." Discuss the position under the Constitution of India. Will you suggest reforms if any, in the existing position?
5. "One has to turn to the privileges of the House of Commons to ascertain the Parliamentary privileges in India". How far is this statement still correct? Discuss. [2003 1(c)],
6. 'Parliament is the sole judge in matters involving parliamentary privileges and immunities except when it is the question concerning the personal liberty of a citizen'. Discuss.
7. A highly controversial bill which has attracted public debate is under consideration in the legislative Assembly of a state and it is to be passed on a particular day. A minister who is actively supporting the bill is stopped on the road while proceeding to attend the meeting of the legislative assembly. A young man who disapproves the bill scolds the minister for the bill and throws a shoe on him. Can the legislative assembly punish the young man for the contempt of the House? Examine the constitutionality.



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8. 'Warrant of arrest issued by speaker of the House of the people against an individual in order to face the charges of contempt of the House of the people.' Discuss with reference to decided cases.
9. The editor of a newspaper publishes a speech made by a member of a Legislative Assembly in the House ordered to be expunged by the Speaker. The House, after inquiry, orders the imprisonment of the editor for a breach of the privilege of a writ for habeas corpus is filed on his behalf challenging the action of the House as violative of the freedom of the press and on the further ground that the inquiry was not in consonance with principles of natural justice. The Speaker intimates the Court on the return of the notice of the petition that the editor was imprisoned for a breach of privileges of the HHouse and states no more. Can the Court issue the writ?