



Chhatrapati Shahu Ji Maharaj
University, Kanpur

Answer Script Details
Barcode 7776040

Roll No. 23086004441
Total Mark 68/100.00

Exam BACHELOR-O_AUGUST-2024
Subject LLB201 - CONSTITUTIONAL LAW - II

Question wise Mark Summary

Q.No Mark Q.No Mark Q.No Mark Q.No Mark

1A 3/4 8 11/15

1B 3/4 9 NA/15

1C 3/4

1D 3/4

1E 3/4

1F 3/4

1G 2/4

1H 3/4

1I 3/4

1J 3/4

2 NA/15

3 NA/15

4 9/15

5 10/15

6 9/15

7A NA/7

7B NA/7

Chhatrapati Shahu Ji Maharaj University Kanpur, Uttar Pradesh

PART-I

Date of Exam: 1/08/24 Shift: I Room No.: P3
 Paper Code: LLB201 Subject: CONSTITUTIONAL LAW II Year/Sem: II
 Name of Candidate: JAYA PARIHAR

Roll No. 23086004441

Signature of Candidate: *Jaya Parihar*
 Signature of Invigilator: *[Signature]*
 COE Facsimile: *[Signature]*

PART-II

MARKS OBTAINED										
Q.	1	2	3	4	5	6	7	8	9	10
(a)										
(b)										
(c)										
(d)										
(e)										
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(i)										
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Total										
Total Marks in Figures										Max. Marks
Total Marks in Words										

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Paper Code

Signature of Evaluator

PART-III

Course: **BACHELORS OF LAW**
 Session: _____ Year/Semester: **II**
 Subject Name: **CONSTITUTIONAL LAW II**
 Medium: English Hindi
 Paper Code: **LLB201**
 Exam Date: **01082024**
 Name of Candidate: **JAYA PARIHAR**
 Father's Name: **JAY SINGH**

संस्थान का कोड College Code: **KNOS**
 केंद्र का कोड Exam Centre Code: **KNOS**

A	A	0	0
E	B	1	1
F	0	2	2
H	J	3	3
K	K	4	4
L	L	5	5
R	M	6	6
S	7	7	7
U	T	8	8
U	9	9	9
W			

उत्तर की शैली Type of Exam:
 Regular Special
 External In - Student
 Private By the other
 Back Paper Exam

ANSWER BOOKLET NO. **7776040**
 Paper Code: **LLB201**

PART-IV

Enrollment Number: **C S J M A 2 3 0 0 0 1 4 9 9 7 0**
 Candidate's Roll Number: **23086004441**
 Paper Code: **LLB201**

0	0	0	0	0	0	0	0	0	0
1	1	1	1	1	1	1	1	1	1
2	2	2	2	2	2	2	2	2	2
3	3	3	3	3	3	3	3	3	3
4	4	4	4	4	4	4	4	4	4
5	5	5	5	5	5	5	5	5	5
6	6	6	6	6	6	6	6	6	6
7	7	7	7	7	7	7	7	7	7
8	8	8	8	8	8	8	8	8	8
9	9	9	9	9	9	9	9	9	9

Signature of Candidate: *Jaya Parihar*

Signature of Invigilator: *[Signature]*

C S Facsimile: *[Signature]*

COE Facsimile: *[Signature]*

शेड: 1. परीक्षार्थी को निर्दिष्टित किया जाता है कि आवरण पत्रों के पृष्ठ आधा पर उचित सभी निर्देशों को सावधानी पूर्वक पढ़ें।
 2. आधा में सभी उचित सभी निर्दिष्टित सभी आधा से पृष्ठ को जारी। 3. पत्रों को काले या नीले पेंसिल से भरना जारी।



INSTRUCTION TO THE CANDIDATE FOR FILLING PART-I

प्रश्नपत्रों को भरना है।

1. Read the instructions carefully given on the answer script and admit card.
2. Write Date of Exam, Shift, Paper Code & Name of Subject Correctly.
3. Write Name & Roll No. Correctly.
4. Write Semester & Branch Correctly.

1. प्रश्न पत्र एवं उत्तर पुस्तिका पर दिवने वाले निर्देशों को ध्यान से पढ़ें।
2. कक्षा, पृष्ठ के दूरबी तालक सुक्रम लिखें।
3. उत्तर पुस्तिका के पृष्ठों पर दोनो तालक लिखें।
4. उत्तर पत्र पर अपने अनुक्रमों के अधिनियम सुक्रम लिखें।
5. प्रश्न पत्र कोड एवं प्रश्न पत्र ID सफलतापूर्वक पूरेक लिखें।
6. अपनी विधि भरत लिखें।
7. उत्तर पुस्तिका के पृष्ठों की संख्या देखें। अगर उत्तर पुस्तिका में पृष्ठ (1-24) से कम है या फटे हुए है, तो परीक्षा शुरू होने के पूर्व दूसरी उत्तर पुस्तिका ले लें।
8. प्रश्नपत्र को देख, यदि प्रश्नपत्र को विषय कोड, विषय का नाम तथा प्रश्न में कोई त्रुटि है तो उसको परीक्षा शुरू होने के 30 मिनट के अन्दर तक निमित्त को सफलतापूर्वक सुचित करें, उसके बाद विरचिद्यारण द्वारा कोई कार्य नहीं की जायेगी।
9. प्रश्नों के उत्तर लिखने के दिने परीक्षा का प्रयोग न करें।
10. बी कोपी का अधिनियम तालक नहीं दिख जायेगा।

INSTRUCTION TO THE CANDIDATE FOR FILLING PART-III

1. Use blue or black ball point pen for writing alphabets & numerals in boxes.
2. Carefully study the example before you start marking.
3. As shown in the example below, blacken the circles completely.



4. Make no Stray marks on this sheet.

5. DO NOT WRITE OR MARK ON THE BAR CODE.

IN ORDER TO AVOID UFM (UNFAIR MEANS) :

1. The Roll No. and Answer Book no. found elsewhere or any other symbol found in the answer book will be treated as unfair means.
2. Any tampering of Bar Code and Booklet no shall be treated as Unfair Means.
3. Do Not bring the materials like slip of paper/mobile/digital diaries/ study material/ revision notes in examination hall. Possession of the mobiles/ digital diaries/electronic/digital/ watch and any other electronic gadget except memory less scientific calculator shall be considered as UFM case.
4. Do not keep or paste currency note in answer script it shall be consider as UFM.

INSTRUCTION TO THE CANDIDATE

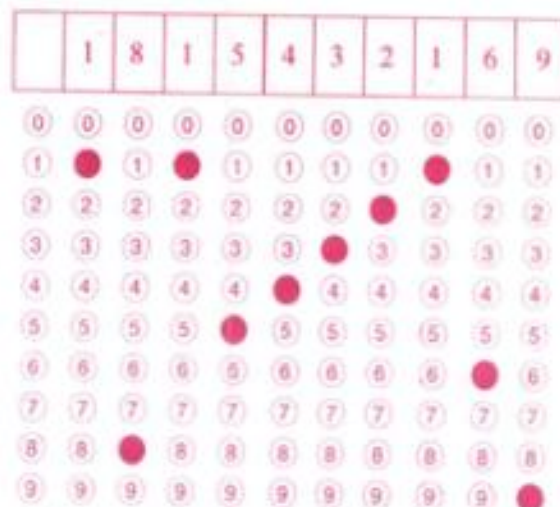
1. Read the instructions carefully given on the Question Paper, Admit Card & Answer Script.
2. Do not write anything on back side of the cover page.
3. Write on both sides of pages of answer book.
4. Do not write anything on question paper except Roll Number.
5. Write Paper Code & Question Paper Id carefully.
6. CHECK the number of pages (1-24) or any other kind of damage in your answer script, if found than change the answer script immediately before the commencement of examination.
7. CHECK the Question Paper for any kind of discrepancy e.g. Subject Code, Subject Name, and Question of the Question Paper during first THIRTY MINUTES of the commencement of the exam, so that it can be corrected in TIME. After that no corrections shall be entertained by the university.
8. Do not use pencil for answering the question.
9. Write status correctly e.g. those appearing in carry over papers should fill in status as Carry Over. Those appearing as Ex- Students should fill in status as ex.
10. No supplementary answer book & graph paper will be provided.

अनुचित साधन से बचने हेतु :

INSTRUCTION TO THE CANDIDATE FOR FILLING PART-IV

1. Use blue or black ball point pen for writing alphabets & numerals in boxes.
2. Use blue or black ball point pen for filling the circles.

1. उत्तर पुस्तिका के निर्दिष्ट स्थान को ध्यानपूर्वक अनुक्रमों एवं उत्तरपुस्तिका का क्रमांक सही और न लिखें तथा कोई भी चिह्न न बनावे क्योंकि यह अनुचित साधन प्रयोग की परिधि में आता है।
2. उत्तर पुस्तिका के बारकोड अथवा उत्तर पुस्तिका संख्या पर छेद छन्द करने पर अनुचित साधन प्रयोग माना जायेगा।
3. परीक्षा कक्ष में निम्न वस्तुएं लाक न लायें, जैसे लिखे हुए कागज के टुकड़ों, मोबाइल, डिजिटल डायरी, डिजिटल सॉच, कापी, घुलक यह सभी वस्तुएं जो अनुचित साधन के अन्तर्गत आती है। कोचल संचालित प्रणालय में ही मेमोरी लेस साइंटिफिक कैलकुलेटर ले जाने की अनुमति होगी।
4. उत्तर पुस्तिकाओं में कल्पे न सके न ही उत्तर पुस्तिका में लिखावे। ऐसा करके अनुचित साधन प्रयोग की परिधि में आता है।



Note- If your Roll No. is of 10 digits. Please leave first three columns .



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1

(Section B)

Ques 4: Discuss Freedom of speech - - - exercise of this right?

Freedom of speech and expression is provided in part III and Article 19(1)(a) of the Indian constitution.

Freedom of speech and expression provides that every citizen of India can express his/her belief, opinions and thoughts freely. This right includes many other rights attached to it like 'Right to press', 'Right to strike' and 'right of not to speak'.

Freedom of speech is not limited to words only, it also includes expression through newspapers, pamphlets, social media, through actions, gestures, and various other ways.

Right to speech and expression is available only to citizens of India, it is not available to foreigners or people of any other nationality residing in India.

Right to speech is also encompassed expression of beliefs, opinions and thoughts through gestures like hoisting a flag on top of building which denotes respect to the Indian flag.

Right of speech & expression also includes freedom of press also. Indian constitution allows expressing one's opinion through press. Freedom of press is not explicitly mentioned in the constitution but fixed in Article 19(1)(a).

Freedom of press means disseminating one's opinion, ideas and belief through printed press.



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2

Freedom of press insures :-

(a) Dissemination of information :- freedom of press allows free flow of information throughout the country.

(b) Gathering public opinion :- through free press the Indian citizenry can form any opinion about any subject matter.

(c) Watchdog of Executive / legislative action :- Freedom of press acts as a watchdog of arbitrary legislative and executive powers which violate or abridge the fundamental rights of citizens.

landmark cases with respect of Free press

(a) Ramesh Thapar case - In this case SC ruled that freedom to press is an inevitable right under Article 19(1)(a).

(b) Benette & Coleman vs U.O.I - In this case SC ruled that restriction to the limitation in number of pages that can be printed is infringement to the right of free expression.

(c) Indian express vs UOI - In this case SC ruled that any restriction to this press which is not reasonable is arbitrary is violative of fundamental rights.



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3

Restrictions of Freedom of speech and expression.

- (a) Contempt of court
- (b) Integrity & Sovereignty of India
- (c) Decency & public order
- (d) Morality
- (e) friendly relations with foreign states
- (f) Incitement of any offence.


Hence, SC through landmark cases like Shreya Singhal case has time and now ensured right to free speech and expression along with Freedom of press.

Q5. Scope of protection  to life --- relevant case law

life and personal liberty is entrusted by Article 21 of the Indian constitution.

According to Article 21, Right to life and liberty is present with everyone residing in India, citizens and foreigners.

It includes living one's life with dignity and with freedom.

The Supreme court of India  has expanded right to life and personal liberty in various facets of human life ex: right to safe environment, right to sleep, right to privacy, right to die etc.



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Right to life and personal liberty was viewed narrow before the famous Maneka Gandhi case 1978, where SC expanded its horizon.

In this case SC unlike Amek Gopalan case 1950 formulated due process of law, which helped to check any unfair, unreasonable and arbitrary legislation enacted by the Parliament.

Due process of law includes checking if the law established by following procedure established by law is not violative of fundamental rights of people of India.

The concept of due process of law was adopted from USA.

Scope of life and personal liberty.

- (i) Right to Die → SC in many cases has provided judgements regarding right to die, namely
- (a) P Rathinam case → here SC said right to end life is also a right under Article 21.
 - (b) Gian Kaur vs state of Punjab → SC overruled previous position and declared that right to suicide is unnatural termination of life hence violative of Article 21
 - (c) Aruna Roy Shaunbaugh → 'Passive euthanasia' case, ending life of people in vegetative state.

- (ii) Right to education → right to education is also enclosed under article 21 of Indian constitution which helps people to gain knowledge and live



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5

with dignity. Relevant case laws are:-

- (a) Mahini vs State of Karnataka - In this case SC ruled that right to education is a fundamental right available to every one.
- (b) Unnikrishnan vs State of Andhra Pradesh - SC overruled previous judgement and limited the right to education only to children of age group 06-14 years.

(iii) Right to privacy - Right to privacy means bodily autonomy and personal information to be kept private, relevant case laws are:-

- (a) Kharak Singh vs State of UP → In this case SC enshrined right to privacy to be included in Article 21.
- (b) Mohamud V/s. State of Rajasthan → SC ruled that right to privacy is not absolute but comes with reasonable restrictions.
- (c) Mr X and Hospital Z case → In this case famous as 'HIV' case, right to information about communicable disease like HIV was included in Article 21.
- (d) K S Puttaswamy case → popularly known as 'Aadhar Case', SC ruled that personal information collection should not be violative of Article 21 right to privacy, it cannot be done arbitrarily.

(iv) Right to safe and clean environment - one has



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right to clean environment, water, so that to
live his/her life with dignity & ease laws

(a) MC Menta vs Union of India - In this
case SC ordered to treat the sewage water
before releasing it in Ganga, 'Kamputanaries'

(vi) Right to safe work place - SC gave guidelines
under Nishakha vs State of Rajasthan case
to ensure women have safe working environ-
-ment.

(vii) Right to reside - In case Olga Tellis vs Bombay
municipal corporation SC ruled that right to
reside is a fundamental right.

Hence Supreme  now and then enlarged the
scope of rights present in Article 21 to ensure
people live life with dignity as ruled in
Mareka Gandhi case 1973 that right to life
includes not only to breathe but to live
life with dignity and opportunities.

Though it is not an absolute right but still
it ensures fundamental rights of people.



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7

Section (C)

Ques 06 - Significance of DPSP - - - - - retained?

Directive principles of state policy are enshrined in Part IV of Indian Constitution. DPSP are enlisted from Article 36 to Article 51. in the constitution.

Directive principles of state policy are non-justiciable rights present in the constitution of India.

They are adopted from constitution of Ireland. And are instruments of instruction to the government of India while making laws & formulating policies.

Dr. BR Ambedkar called them 'Novel features' of Indian constitution and ~~for~~ ^{Justice} Austin called them 'conscience of the constitution'

Directive principles of state policy guide the law maker to make policies which benefits every section of the society.

Significance of DPSP'S.

(a) Instruments of Instructions - DPSP'S act as instruments of instructions, taken from government of India act 1935, which guides the legislative and the executive in formulating laws for the benefit of Indian people. DPSP'S help to formulate relevant policies too.



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- (b) Welfare state not police state → DPSP's ensure that the law and government of the land acts in the welfare of the people not against them. DPSP should be used to formulate policies and laws to ensure every section including marginalised are given welfare. It is taken from Article 38 of the constitution.
- (c) Fundamental to governance - DPSP's are fundamental in governance so that to ensure that laws are formulated according to the benefit of people. ex: Article 39 (f)
- (d) Moral obligation → DPSP are moral obligation which ensure development of citizens and the country, ex: Article 47 which ensures nutrition & public health
- (e) Non-justiciable → DPSP are not justiciable which means one cannot move to Supreme court for their enforcement.
- (f) Social equity & justice → DPSP ensures social justice through article Article 39(A) free legal aid and equity through Article 39 (c)
- (g) Economic democracy → DPSP ensure economic democracy and ensure every one is paid well and can work, ex: Article 39(a) and Article 41 Right to work.



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9

conflict between Fundamental Rights (FR) and DPSP's. Through many cases the balance between FR & DPSP's have been evolved. relevant case laws are.

(a) Champakam Dorairajam VS Madras (1951) in this case there was conflict between FR under Article 15 prohibition of discrimination & Article 46 special provisions for scheduled castes. FR rights were given precedence. [FR > DPSP's]

(b) 25th constitutional amendment act 1971 - Introduced article 31(c) which made Article 39(b) & 39(c) superior to article 14, 19 & 31. SC ruled in violation of Article 14, 19 & 31 by Article 39(b) & 39(c) it will not be a constitutional. [39(b), 39(c) > 14, 19, 31]

(c) Minerva Mill case 1980 - SC ruled that constitution is based on the bedrock of harmony b/w FR & DPSP and giving precedence to anyone is violative of Basic Structure Doctrine.

(d) MunniKrishnan VIS state of Andhra Pradesh → SC ruled that FR & DPSP should go hand in hand and fundamental rights are ~~not~~ means to achieve DPSP's. Harmony should be maintained and are complementary to each other.



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10

Ques 8 Procedure of appointment - - - - landmark case laws

Judiciary plays an important role in keeping ^{as} watchdog against executive and legislature actions

Judiciary is part of Indian constitution under part V from article 124 to 147, which adjudicates the cases & disposes them.

procedure of appointment of judges.

The Judges of Supreme court are appointed by the president under Article 124 of the Indian constitution, wherein senior most judge of the Supreme court takes the position.

Eligibility :-

- (a) citizen of India
- (b) must be Has been a judge of High court or HC in precedence for 05 years
- (c) Has been an advocate for 10 years
- (d) Is an eminent jurist in the eyes of President of India.

Appointment of judges has evolved over time :-

- (a) Before year 1973 - The senior most judge was appointed as the judge of Supreme court
- (b) 1st judges , 1978 - There the judge of Supreme court was elected by the president and advice of the Chief justice was not binding. executive has the larger power in appointment.



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(c) 2nd judges case 1993 → It created a new body called 'collegium' which included senior law member. This panel used to recommend the names to the president for the appointment of judges of Supreme court, with binding advice.

(d) 3rd judges case 1998 → It expanded the panel of collegium system with 04 senior law member and 1 chief justice, who will recommend the name of the CJI.

(e) National judicial appointment committee (NJAC) brought through  Act, 2015, which included executive, judiciary and civil society members who would recommend for the appointment of judge of India. Brought through 99th constitution amendment act, it was declared unconstitutional.

Current scenario

(1) Judiciary → recommends the name of the candidates through collegium.

(2) Executive → recommendation received by law minister is forwarded to President.

Independence of judiciary is ensured by :-

(a) No politicization → appointments made through collegium system are free from any political influence.



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(ii) consultative process - ensures that nepotism and preferential system is kept at bay

(iii) transparent process - names recommended by multiple people in collegium.

Hence the judiciary works independently to ensure justice is ensured in the society which is free and easily accessible.

Section A

Q1(a) Against whom - . . . Part III of constitution fundamental rights are enshrined in part III of the constitution from article 12 to 35.

taken from USA these are not absolute but come with reasonable restrictions. Fundamental rights ensure that people exercise political democracy, as they are justifiable rights.

Fundamental rights are available both against state and private individuals.

i) Fundamental rights against state → against state's arbitrary actions fundamental rights are present ex

ex: Right to freedom under article 14 to 18.

Right to freedom ensures that people have liberty to live life but with certain restrictions

ii) Fundamental rights against individuals



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certain rights like Article 17 & Article 23 are present against the state but also against the private people. , by this an enabling legislation is made to ensure that these rights are protected.

ex: Gender Equality Act 1995 against untouchability. (protection of children (prohibition to work in hazardous places), 2016.

State in part II refers to :- [According to Article 12]

- Union & State executives - Including President, PM, Govt Council of ministers, governors & CM. both at union & state level
- Union & State legislatures - Including Parliament, state legislature, President, vice president, governor and Chief minister
- Local authorities - all such authorities like municipal corporations, panchayati raj institutions working as government.
- Other authorities - Other authorities, include institutions like LIC, and ONGC, who works in deep and pervasive state control & functionally, administratively managed by government
Case law: R.K. Shetty vs. Indian Institute of Airports Authority
- Judiciary: when acting administratively, then state. Hence state includes all the units who function as government, who are financially administratively controlled by government of India



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14

Q1(b) 'Equality before law' is a fundamental right enshrined in Article 14 of the Indian constitution.

Equality before law means everyone in the state is under law, and law is equally applied on everyone irrespective of their ranks & positions.

This was taken from British constitution and is a negative connotation of equality, which forbids any special treatment to any person in the country.

Equality before law is established from 'Rule of law' propounded by Edward Coke & expanded by AV Dicey. It means that 'Rule of law will prevail' not the rule of men in the country.

Equality before law does not permit any special provisions or relaxations with respect to any person in the country. It ensures that everyone is under definite law and ruled by it. It ensures the equal treatment of every citizen.

ex: ~~1971~~ ¹⁹⁷⁵ ~~India~~ ^{India} V/S Nargis Mirza who was denied job for being pregnant, was later declared unconstitutional.

Exceptions to equality before law:-



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(a) Presidents and governors immunised against arrest for civil charges.

(b) UNO, diplomats, foreign ambassadors are not in ambit of Article 14.

Q1 (c) Right to strike is a right present under article 19 of the Indian Constitution. Right to strike is not explicitly mentioned in the Constitution but provided under Article 19(1)(a) and 19(1)(c) of the Indian Constitution.

Right to strikes is a form of ^{freedom of} speech and expression under Article 19(1)(a), where people express their grievances against any labour issue.

Right to strike also [✓] compasses article 19(1)(c) right to form [✓] associations, where unions are formed which manifest their dissatisfaction through right to strike.

Significance of right to strike

(a) Expression of grievance. — Right to strike helps people their grievance and get it resolved. It is a way of expression of one's opinion, thought and beliefs on any particular issue.



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(b) right to form union - strikes are usually carried by people who form a union against common issues affecting every member of the union.

(c) Important part of labour relations - strikes helps to solve a deadlock, discontent through peaceful means, ~~also~~ without harming fundamental rights of others.

Hence right to strike forms an important part of fundamental right and speech & of expression and right to associations is manifested through it.

Q1(d) Justice KS Puttaswamy case 2017 is popularly known as 'Aadhar card case' through which Right to life and privacy article 21 was expanded to include Right to privacy as fundamental right.

Article 21, lays that no one should be deprived of his/her life & liberty except for the procedure established by the law.

In this case supreme court declared that fundamental rights also include



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right to privacy and citizens are empowered to secure their life & liberty.

The case revolved around Aadhar card issue, wherein, personal information of citizens was being collected and stored, which caused breach of personal information of the citizen.

Supreme court ruled that the right can be limited by public order, health & morality, where data collected was used for benefit of the beneficiaries.

Hence through this case supreme court expanded the scope of article 21 of the constitution. under Arts

Q1 (e) Article 32 is called the Heart & Soul of the Constitution of India by Dr. B.R. Ambedkar. Article 32 ensures that if any fundamental rights of people are being violated, then they can take up legal remedies ensured in Article 32 through the forms of 'Writs'.

Any alleged person can move directly to the Supreme Court to ensure his right to constitutional remedy is insured.

Remedies available are - [writs]

(a) Habeas corpus - In Latin it means 'to have



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the body of? It ensures that anyone who is detained illegally can be presented to court to prove its detention.

It is present against public & private individuals
In case: Shivaram v. State of Maharashtra &
Sunil Batra v. Delhi Administration, this case was expanded.

(b) Certiorari - In Latin it means 'to certify'. It is a legal maxim which stops the lower court, tribunals in exercising their jurisdiction. It can be used when proceedings are ~~on~~ going on, to quash the decision.

(c) Quo warranto - It means 'by what authority'. It stops the people from taking up public positions by being ineligible. Courts maintain the integrity of public post and their legal occupation.

(d) Mandamus - It means 'we command'. It is used by judiciary against any lower court, tribunal, legal authority who is not doing its public duty.

(e) Prohibition → It means 'to prohibit'. It is used by judiciary against any lower court in proceeding further in case where proceedings are on going are extra-judicial processes are being exercised.



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Q1 (f) Free legal Aid is present under Article 39 (A) in directive principles of state policies.

It ensures that every marginalised section has right to get legal aid, even if one does not have economic capacity.

It ensures that people can say in their case and can present facts before the court against the case through legal representative.

Constitutional goal.

(i) Access to legal aid - It does not debar economically low people to take legal aid & ensure legal aid is free and accessible to every citizen.

(ii) Ensures equality → It helps to manifest right to equality under Article (14) as every one will be provided with services present in the state equally.

(iii) Development of country

Hence free legal aid will ensure development of citizens & country



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A1 (g) Equal pay for equal work is available under article 39 (a) in Part IV it ensures that everyone is equally paid and gives opportunity to work.

It ensures that there is no discrimination in men, women or other sexes in payment for the services provided by them.

The equal pay for equal work ensures article 14, which is right to equality and makes sure that every section of society attains Economic democracy.



1 (h) Fundamental duties are enshrined in Article 51 (A) of part IV (A) of constitution. through Swarn Singh Committee, 1976. They are taken from the VSSA and ensures that 'with rights comes duties'

Fundamental duties are not enforceable by court which means, we cannot be compelled to follow these duties.

Fundamental rights should be made enforceable :-

i) Ensure fundamental rights of others



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- (ii) Responsible citizenery towards their duties
- (iii) development of nation
- (iv) Betterment of society; everyone following rules.
- (v) Active citizenry. ex: Paramanand Katara case.

Why Not they are enforceable

- (i) legally cumbersome. ex: large population.
- (ii) Not justiciable. ex: cannot move to court of law.
- (iii) Many people have no development. developed means to fulfil duties ex: poor's paying tax
- (iv) geographical limitation. ex: no duty to vote

Hence we should strike a right balance by incorporating duties in school curriculum for students to learn these duties since beginning

Q1 (i) original jurisdiction of supreme court is listed in Article 141 of Indian constitution

original jurisdiction of Supreme court entails.

- (i) Adjudication of cases between centre & state
- (ii) between ~~two~~ ^{two} or more states
- (iii) between states. one side & centre on other



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It prohibits moving to the Supreme Court directly by individuals against appeals from lower courts

(ii) original jurisdiction includes Article 32 where aggrieved can move to the Supreme Court directly on the violation of any fundamental right.

As (f) Amendment to the constitution is listed in Part 20 and Article 368 taken from South Africa Constitution. It is both flexible as USA & rigid as British. Procedural safeguards are :-

(i) can be introduced only in Parliament not the state legislature.

(ii) can be introduced by ministers or any private member.

(iii) when it concerns the federal provisions ratification by the states legislature is required by simple majority. Ex: legislature of state & union, powers of president, seventh schedule

(iv) In case of any dispute between



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both houses of Parliament, there is no provision of joint sitting under Article 108.

(v) Can be introduced without prior permission of the president of India.

(vi) To ensure safety of passage, it can be passed only by special majority, which is $\frac{2}{3}$ rd members of Parliament present & voting & half of members of Parliament ratify it.

(vii) President cannot use veto under Article 2-24th constitutional amendment act.

Hence Article 368 is made safe against any arbitrary amendments.

Do Not Write anything in this Portion



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