



National Officers Academy
Final Mock for Special CSS & Mock-6 for CSS-2024
September 2023
CONSTITUTIONAL LAW

TIME ALLOWED: THREE HOURS	PART-I (MCQS)	MAXIMUM MARKS = 20
PART-I(MCQS): MAXIMUM 30 MINUTES	PART-II	MAXIMUM MARKS = 80

NOTE:

- i. **Part-II** is to be attempted on the separate **Answer Book**.
- ii. Attempt **ONLY FOUR** questions from **PART-II**. **ALL** questions carry **EQUAL** marks.
- iii. All the parts (if any) of each Question must be attempted at one place instead of at different places.
- iv. Write Q. No. in the Answer Book in accordance with Q. No. in the Q. Paper.
- v. No Page/Space be left blank between the answers. All the blank pages of Answer Book must be crossed.
- vi. Extra attempt of any question or any part of the question will not be considered.

PART-II

- Q.2-** How Grand National Assembly of Turkey is elected? Discuss its powers and functions.
- Q.3-** The Constitution of USSR 1936 is characterized by democratic centralism. Critically analyze the relevant provisions of the Constitution paving the way to the said assumption.
- Q.4-** Fundamental Rights in the 1973 Constitution of Pakistan are the most important rights granted to the citizens of Pakistan. However, these can be suspended during the proclamation of an emergency. Explain the significance of fundamental rights in the 1973 Constitution.
- Q.5-** Do you think "the check and balance system is basically the milestone towards the destination of separation of Powers in the U.S constitution, making it more comprehensive constitution of the World"? Discuss.
- Q.6-** Explain the basic human rights incorporated in the German Constitution.
- Q.7-**The Government of India Act, 1935 has a significant role in the Constitutional History of Pakistan. Explain the salient features of this Act. Also highlight the shortcomings of this Act.
- Q.8-** Whether the proclamation of emergency declared by the executive in India is subject to Judicial Review. If yes, on what grounds?

Best of Luck for Special CSS & CSS-2024

Question no 2

Turkish political system

Turkish Grand National Assembly.

Legislative powers is vested in the unicameral Grand National Assembly, consisting of 550 deputies elected every 5 years. Under the 1961 constitution, the Grand National Assembly was bicameral parliament with over 600 members. The 1982 system

represents an effort to avoid the imbalances and challenges to leadership that occurred under the larger two house legislature. and number of deputies were dropped to 450 which later in 1988 became 550.

Functions of Grand National Assembly:

GNA is to convene on the first day of September and may not recess for more than three months a year. During an adjournment, the president may summon the assembly for an extraordinary

1) Legislative Session functions.

The assembly has power to enact, amend and repeal laws and can pass legislation over the veto of president.

2) Supervision of Council of Ministers:

It also supervises the council of ministers and authorizes it to issue governmental decrees.

3) Approval of budget:

It debates and approves budget and makes decisions regarding the printing of currency.

4) Approval of treaties.

It approves the ratification of international treaties and has

5) Declaration of war:

It has power to declare of war.

6) checks on Council of Ministers:

Although constitution provides the for legislative controls over the

executive in form of written

questions, investigations, and

interpellations, whereby council

of ministers can be voted out of

office, there ^{are} also procedures

under which Parliament may delegate

its lawmaking powers to the

council of ministers.

Elections of Grand National Assembly:-

Every Turkish citizen over the age of twenty five is eligible to be a deputy, provided that she

has completed primary education and has not been convicted of serious crime or been involved in ideological and anarchistic activities.

Male candidates are required to perform the compulsory military services. Members of judicial and educational institutions as well as civil servants and members of armed forces must resign from office before standing for election.

According to constitution, deputies represent whole nation, not merely their constituencies. A member of GNA wields more patronage and influence than do members of other western parliaments and is expected to intervene in the bureaucracy more actively and frequently.

Question no 4

Ans.

Introduction

Fundamental Rights are enshrined in the constitution of Islamic Republic of Pakistan. Chapter 1 of the constitution contains the articles -

- Article 8 to 28 of constitution deals with the fundamental rights provided to the citizens of Pakistan.

Following are the rights guaranteed to citizens of Pakistan under constitution:

- No person shall be deprived of life or liberty, save in accordance with law. (Article 9)
- Safeguards as to arrest and detention
- All arrested person must be informed to of grounds of their arrest, they have right to consult and defended by

- lawyers of their choice.
- Right of fair ^{trial} and under article 15A. Slavery, forced labour is prohibited and no child under age of 14 years be employed in factory and mines -
 - There shall be protection against double punishment.
 - Freedom of movement, assembly, trade business, and speech for all the citizens -
 - Under Article 19A all citizens has right to have access to information in all matters of public importance.

Significance

1) Right to information

Constitution guarantees right to access to information in all matters of public importance under article 19A imposed by law.

2) Freedom to profess religion.

Constitution guaranteed right to profess their religion without any discrimination and to manage the religious institutions imposed by law - under article 20.

3) Freedom of speech:

Every citizen have right under Article 19 of freedom of speech, movement, assembly, ~~with~~ subject to any reasonable restriction imposed by law in the interest of glory of Islam or integrity, security of Pakistan, or any part thereof, friendly relations with foreign states, public order, decency or morality or in relation to contempt of court.

4) Right to life

Under article 14, no person

shall be deprived of life or liberty
save in accordance with law -

5) Right to fair trial:

Article 10A For the determination of his
civil rights and obligations or in any
criminal charge against him
a person shall be entitled to a
free trial and due process.

Question no 5

Ans

Principle of separation of powers

The principle of "separation of powers"
is one of most important feature of
the American constitution. The
Constitution clearly states all legislative,
executive and judicial powers are
vested in congress, the president
and the supreme court respectively.

There is no other constitution in which the demarcation three wings of administration is so clear.

For example, in India, all executive powers of Union is vested in president, but the parliament consist of president and 2 houses.

This shows that executive has been associated with legislature in very active manner.

However in US, each of the wing is separate and distinct without being dependent on the other -

It is said that fathers of constitutions were impressed by theory of "separation of powers" as propounded by Montesquieu.

Checks and Balances :

To weaken the authority of government, fathers of constitution introduced

checks and balances. They possibly apprehended that organ of govt left it to completely, might degenerate & misuse its powers - thus becoming tyrannical and oppressive.

The system of constitution has therefore introduced checks and balances.

Powers of senate:

The senate in matters of making appointments to high office, controls the executive. Senate may ratify all high appointments made by president. This power was effectively used in 1919 when senate refused to ratify the Treaty of Versailles, which had been accepted by president.

The senate is court of impeachment against president and other high officials of United States. The

Control of president over senate
president, in turn, controls the

Congress in sense that all

Bills passed by congress must be submitted to him for his signature.

He may veto Bill with ~~with~~ passed with 2-3rd majority. He can exercise his pocket veto during last ten days of session of congress.

Checks of president and senate over Judiciary

Both president and congress have checks on judiciary -

The president appoints the judge of supreme court in consultation with senate -

Judiciary control over executive and legislative

Judiciary in turn exercise its control over executive and legislature through the powers of judicial veto. It can veto the laws passed by congress and orders issued by

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executive if they are found to be at variance with spirit of constitution.

Criticism

principle of separation of powers has been marred by in actual practice by principle of checks and balances. The two principles provide the American political system from top to bottom.

According to Finer, the problems that have arisen as result of this in United States, have been very obstinate and frustrated the modern social will.

But these are others who regard this system of checks and balances as necessary corollary to the principle of

Separation of powers - There can never be a complete separation if administration is to be run smoothly. They say, that in American system too the ultimate power of people does prevail.

Question no 3

Ans

Constitutional provisions of USSR

1) Freedom of religion and speech

Article 124 of constitution guaranteed freedom of religion including separation of church and school from church.

The reasoning of article 124 is framed in terms of ensuring "to citizens freedom of conscience... freedom of religious worship, and freedom of anti religious propaganda is recognized for all citizens

2) Right to personal ownership.

Article 10 guarantees the citizens right of personal ownership of their incomes from work and savings, of their dwelling houses and subsidiary household economy as well as right of inheritance of personal property, is protected by law.

3) Legislative powers exercised by ^{supreme} Soviet

The legislative power is exercised by the Supreme Soviet of USSR exclusively under article 32. and under Article

29 the the supreme soviet consisted of two chambers:

The soviet of union and soviet of nationalities.

The soviet of union is elected by citizens of USSR according to the electoral areas on

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on basis of one deputy for every
300,000 of population.

4) Judiciary

Under article 102, the justice
is administered by supreme
court of USSR. The Territorial
and Regional courts, the courts
of Autonomous Republics and
autonomous regions, the Area courts
, the special courts of USSR
established by decision of
Supreme Soviet of USSR and
people's court.