

Total number of printed pages—4

19 (II) CNLW 2-1

2018

CONSTITUTIONAL LAW-II

Paper : 2-1

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Fill in the blanks with appropriate answers given in the brackets **or** choose True/False :
1×10=10
- (i) The Speaker of Lok Sabha has to address his resignation letter to the _____ . (Deputy Speaker of Lok Sabha/President of India)
 - (ii) Representation of the House of People is based on _____. (Area of the state/Population)
 - (iii) Under Article _____ , the Supreme Court has power to make rules to regulate its own procedure. (145/149)
 - (iv) All proceedings in the Supreme Court and in every High Court shall be in _____ language. (English/English and Hindi)

Contd.

(v) Full faith and credit shall be given throughout the territory of India to public acts, records and judicial proceedings of the _____. (Union/ Union and of every States)

(vi) Article 245 has been interpreted on the basis of _____. (Doctrine of Territorial Nexus/Doctrine of Colourable Legislation)

(vii) Presidential satisfaction for imposing President rule is _____. (subject to judicial review/not subject to judicial review)

(viii) _____ case is popularly known as Habeas Corpus Case. (A.D.M. Jabalpur V. S. Shukla/Maneka Gandhi V. Union of India)

(ix) Article _____ of the Constitution of India provides for the appointment of Election Commission. (324/224)

(x) In Australia, trade, commerce and intercourse among the states shall be _____. (free/absolutely free)

2. Answer the following questions :

2×5=10

(a) What do you mean by "Office of Profit"?

(b) What is the meaning of 'Court of Record'?

(c) What do you mean by 'Full Faith and Credit Clause'?

(d) What are the informal methods of amendment of Constitution?

(e) What do you mean by 'Reasonable Opportunity'?

3. Explain the position of the President of India. Refer relevant constitutional amendments and case laws. 12

OR

Explain the term 'Collective responsibility'. Distinguish between collective responsibility and individual responsibility in case of ministers. 6+6=12

4. Is the opinion of the Chief Justice of India binding on matters relating to the appointment of the Judges of the Supreme Court or High Court. Discuss with the relevant constitutional provisions and case laws. 12

OR

What do you mean by Writ? Explain about the different types of writ issued by the Supreme Court and the High Court of State. 4+8=12

5. Discuss critically the scope of Article 254 of the Constitution by referring to judicial decisions pronounced at times. 12

OR

What do you mean by Co-operative Federalism? Explain about the composition, duties and procedure of the Inter-State Council. 4+8=12

6. Critically examine the Constitutional Scheme of Emergency provisions under the present Constitution. Do you feel that the provisions can adequately protect misuse of the emergency provisions? 8+4=12

OR

“Our Constitution has adopted a via media between rigidity and flexibility in matters of amending process”. — Discuss. Critically examine the judicial response to the amending power and the limitations thereon. 6+6=12

7. Examine the Constitutional Scheme of Inter-state trade and commerce highlighting on the significance of Article 304 of the Constitution. Refer to decisional laws on the same. 12

OR

How the Election Commission is constituted? What are the powers and functions of Election Commission? 6+6=12

Total number of printed pages-7

19 (II) CNLW-II

2021

CONSTITUTIONAL LAW-II

Paper : ~~2~~*1

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Answer the following with appropriate answer given in the bracket: $1 \times 10 = 10$
 - (a) The maximum validity of an ordinance by the President of India is _____.
(3 months and 4 weeks/6 months and 6 weeks)
 - (b) The power of Amnesty is given to _____ under Indian Constitution.
(Chief Justice of India/The President)
 - (c) Madan Mohan Punchi Commission was appointed to study _____.
(Panchayati Raj Institutions/Centre and state relations)

Contd.

- (d) X is aggrieved by an order passed by District Court, New Delhi without having the jurisdiction. Which of the following writ would be a remedy available to X? (*Certiorari / Prohibition*)
- (e) Subjects under _____ does not come under the Judicial review.
(*12th schedule / 9th schedule*)
- (f) Once the proclamation of emergency is issued, a right of a person to move Supreme Court for the enforcement of his fundamental right is suspended by _____. (*The Speaker of Lok Sabha / the President*)
- (g) The word "Secularism and socialism" has been inserted in the Constitution by _____. (*44th amendment / 42nd amendment*)
- (h) The first constitutional amendment was challenged in the case of _____.
(*A. K. Gopalan vs State of Madras / State of Madras vs Champakam Doraijan*)
- (i) Restrictions on the legislative powers of the Union and of the states with regard to trade and commerce are stated in article _____. (*300/302*)
- (j) The provision of Public Service Commission is provided under _____ of the Indian Constitution. (*314/315*)

2. Write brief notes on the following :

2×5=10

- (a) What are the main objects of Inter-state council ?
- (b) Special leave to appeal
- (c) Court of Record
- (d) Zero hour
- (e) Money Bill

3. Answer **any five** of the following :

12×5=60

- I. 'X', and 'Y' are both Members of Parliament from Uttar Pradesh and Assam respectively. The duo have a good record of service in their constituency which made them eligible to fight presidential election in 2019. After a competitive electoral fight among them Y won the election on 20/11/2019. After becoming the President of India, Y granted an act through an ordinance when the parliament was not in session. Understanding the above given situation elaborate the procedure of the election of 'Y' as the President of India and write in details about his ordinance making power under Indian Constitution with relevant case laws.

II. On 5/8/2019 the special status of Jammu and Kashmir under article 370 was revoked and thereafter bifurcated. During the debate on the issue inside the parliament, M a minister from Srinagar suddenly created chaos and used unparliamentary languages against the government of the time. The speaker as a result suspended M for two days. From the illustration write a note on what powers, immunities and privileges are enjoyed by M and how can M get qualified or disqualified as a parliamentarian under Indian Constitution? Refer with case laws.

III. Jack is a student leader and an RTI activist in Kanpur. He unearthed various corruptions in the administration. Recently he was in news as he was demanding inquiry into a property scam in his town and for that purpose he on 11/1/2020 went to meet his Journalist friend 'Ravi' but he never reached Ravi's house and as per eyewitness he was taken away by some unidentified persons. Thereafter the court ordered the search of the body

on Ravi's petition. So analyze the various remedies available to a citizen under the Constitution to protect the fundamental rights and how the power of the court to check the constitutionality of a law differs from the judicial activism. Cite with relevant judgments.

- IV. Discuss the power of judicial review in an exhaustive manner? When does judicial activism become judicial overreach? Refer with relevant case laws.
- V. Recently, the Prime Minister of India from the Red Fort said "Federalism is no longer the fault line of centre-state relations but the definition of a new partnership of team India." Focusing on the above statement derive the broad idea of co-operative federalism and elaborately explain the distribution of legislative power between the union and states. Support your answer with appropriate case laws.
- VI. Explain the administrative relations between the union and the states.

VII. 'X', a student of remote area of Nagaland, is from a poor background. He aims for higher studies but since he cannot afford the expenses of the studies and has no reservation either, he requests his local Minister 'R' to raise the issue in parliament. R thereafter presented a bill for reservation for economically weaker sections and thus Article 15 was amended by the parliament. Considering the above event, throw a broad light upon the methods and procedure of amendment by the parliament and how can the power of parliament to amend can be limited. Justify with precedents wherever necessary.

VIII. Considering a situation that after the Galwan Valley incident in 2020 between the Indian and Chinese troops, a peace agreement is signed between the two nations. When everything was coming under control in India, suddenly the Chinese troops attacked India through Sikkim and captured the Nathula Pass and thereby creating a massive security

threat to India. Eventually the President of India called for meeting and declared emergency to tackle the situation. So how does the Constitution frames various emergencies and their grounds in India and what varied resultants are experienced from such declaration of emergencies ? Support with landmark judicial decisions.

- IX. James, was appointed as a Governor the state of 'B' in 2020 but before the completion of his five years tenure, he was dismissed from his post by the President of India 'Z'. The reason cited was the violation of the Constitution. It is surprising for James that he was not given a chance of being heard to clarify his position. So what is the Indian approach of doctrine of pleasure applied by the President 'Z' and how will James, the Governor protect himself from the arbitrary dismissals or removal under the Constitution? Clarify your answer with appropriate case laws.
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Total number of printed pages-4

19 (II) CNLW-II 2·1

2022

CONSTITUTIONAL LAW – II

Paper : 2·1

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Answer the following questions : 1×10=10

(a) (Article 84/86) of the Constitution of India states that the President shall be elected by the members of an electoral college.

(b) (Article 76/78) of the Constitution of India states about the appointment of an Attorney-General for India.

(c) Originally, the strength of the Supreme Court was fixed at (seven / eight).

(d) (Article 126 / 128) provides for the appointment of acting Chief Justice.

(e) The Attorney-General of India holds office during the pleasure of (President/ Prime Minister)

Contd.

(f) Right available under Article 82 has (wider / narrower) scope than under Article 226.

(g) The minimum gap permissible between two sessions of Parliament is (60 days/ 90 days).

(h) The greatest hallmark of personal liberty is (*Mandamus/Habeas Corpus*).

(i) In which case the Supreme Court observed : Secularism is one of the basic features of the Constitution and any State Government, which pursues unsecular policies is amenable to action under Article 356. (S.R. Bommai case / State of Rajasthan v. Union of India).

(j) The maximum term of National Emergency is (one year/three years).

2. Answer the following questions : 2×5=10

(a) Name *two* committees of Parliament.

(b) State *two* matters that are dealt in by a Money Bill.

(c) State *two* Parliamentary Privileges.

(d) What is *quo warranto* ?

(e) What is *locus standi* ?

3. Explain the Pardoning Power of the President under Article 72 of the Constitution of India ? Is the Pardoning Power of the President subject to Judicial scrutiny ? Explain with relevant case laws. 6+6=12

Or

“Parliamentary Privileges is an essential incident to the high and multifarious function which the legislature is called upon to perform.” Discuss the provisions under the Constitution of India. 12

4. There are many provisions in the Constitution of India which secure the independence and impartiality of Judiciary. Explain. 12

Or

Explain the procedure for Appointment and Transfer of Judge under the Constitution of India. Cite relevant case laws.

5. Explain the Administrative/Executive Relations between the Union and States. 12

Or

Explain the legislative relations between Union and States with reference to the 9th Schedule of the Constitution of India.

6. What is Doctrine of Pleasure ? Explain the Safeguards guaranteed to Civil Servants under Article 311 of the Constitution of India. 4+8=12

Or

Is the Freedom of Trade and Commerce absolute in nature ? If NO, Explain the restrictions if any, upon the Freedom of Trade and Commerce under the Constitution of India. 2+10=12

7. Explain the emergency provisions as laid down in the Constitution of India. 12

Or

Explain the Power of Parliament to amend the Constitution and procedure thereof under the Constitution of India.

2019

CONSTITUTIONAL LAW - II

Paper : 2-1

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Fill in the blanks/choose True or False :
1×10=10
- (a) The President of India cannot be re-elected for more than three terms.
(True/False)
- (b) The minimum gap permissible between two sessions of Parliament is _____.
(60 days / 90 days)
- (c) Sarkaria Commission was set up for the review of relation between Centre and the State. (True/False)
- (d) The structure of Indian Constitution is _____. (Federal in form and Unitary in spirit/Unitary in form and Federal in spirit)

Contd.

(e) The President's rule under Article 356 remains valid in the State for maximum period of one month. (True/False)

(f) The concurrent list contains _____ subjects. (62/52)

(g) The First Constitution Amendment was challenged in the case _____. (Sajjan Singh vs State of Rajasthan/Shankari Prasad vs Union of India)

(h) Parliament may be law authorised to make laws on scarcity of goods in any part of India under _____. (Article 302/Article 303)

(i) The Constitution of India reserves the Residuary powers to _____. (Union / Parliament)

(j) The provision of Public Service Commission under the Constitution of India is in _____. (Article 314/Article 315)

2. Write short notes on: 2×5=10

(a) Disqualification of Speaker

(b) Court of Record

(c) Cooperative federalism

(d) Condition of Proclamation under Article 352

(e) Public Service Commission.

3. Write notes on the following: 4×3=12

(a) Executive powers of the Vice-President

(b) Governor appointment and powers of Governor

(c) Relation between two houses of the Parliament.

Or

Describe the election procedure of President. Can President delegate his powers? If yes, on what conditions and to whom he may delegate powers? 6+6=12

4. "The entire judiciary is one hierarchy of courts. If not only adjudicate disputes and act as the custodian of individual right and freedom but may from time to time need interpret the Constitution and review legislations to determine its boundaries."

— Discuss the above statement with case laws. 12

Or

What do you mean by Parliamentary privileges? Write merits and demerits of Parliamentary privileges. 4+4+4=12

5. Discuss the following: 6+6=12

(a) Doctrine of Colourable Legislation

(b) Doctrine of Repugnancy.

Or

Write legislative relation between the Centre and the State. 12

6. Discuss the proclamation of State emergency and Financial emergency. On what conditions and up to what extension, State emergency can be extended? 6+6=12

Or

"From Shankari Prasad to Minerva Mills case, it is distinct that there has been a tag of war between the power of Judicial Review and Limitation of amendment power of Parliament" — Discuss with the help of 'Doctrine of basic structure'. 12

7. "The content of Article 301 depends on the interpretation of three expressions—trade, commerce and intercourse" — Discuss the statement with reference to state's power to regulate trade and commerce. 12

Or

Write notes on the following: 6+6=12

(a) Doctrine of Pleasure

(b) Reasonable opportunity to the Civil Servants.

2023

CONSTITUTIONAL LAW-II

Paper : 2-1

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Fill In the blanks with appropriate answer/
Choose True **or** False. 1×10=10
 - (a) Article ____ empowers the President to
issue Ordinances. (123/321)
 - (b) The Indian Parliament consists of the
President and two Houses known
respectively as the Council of States
and the House of the People.
(True/False)
 - (c) Law declared by the Supreme Court
_____ binding on all courts.
(shall be/shall not be)
 - (d) The Supreme Court shall be a Court of
record and shall have all the powers of
such a court ____ the power to punish for
contempt of itself. *(including/excluding)*

Contd.

(e) Sarkaria Commission was set up for the review of relation between Centre and the State. (True/False)

(f) Under Article _____, no law made by parliament shall be deemed to be invalid on the ground that it would have extra-territorial operation.

[245(2)/254(2)]

(g) Article 368 of the Constitution of India can be amended by parliament by simple majority. (True/False)

(h) The proclamation under Article 352 will cease to operate at the expiry of _____ month(s) if not approved by parliament. (one/two)

(i) Article 301 of the Constitution of India is modeled on section _____ of the Australian Constitution. (29/92)

(j) Civil Servants are protected against arbitrary dismissal Under Article _____. (309/311)

2. Write short notes on : 2×5=10

(a) Vice-President

(b) Judicial Activism

(c) Doctrine of Repugnancy

(d) Doctrine of Basic Structure

(e) Exceptions to Article 311(2)

3. What is parliamentary privileges ? Discuss the relationship between parliamentary privileges and fundamental rights. Do you agree that there is a need for codification of parliamentary privileges ? 4+5+3=12

OR

Briefly discuss the following 4×3=12

(a) Significance of the office of the Governor

(b) Ordinance making power of the President

(c) Governor's discretionary power

4. Briefly explain the jurisdiction of the Supreme Court of India. Is President of India bound to follow the advise of the Apex Court ? 10+2=12

OR

Discuss the following :

(a) Appointment and removal of judges of Supreme Court.

(b) Writ of Certiorari and Prohibition

(c) Difference between Article 32 and 226 of the Constitution of India.

5+4+3=12

5. What do you mean by co-operative federalism ? Discuss the scheme of distribution of legislative powers between the Union and States. Cite Case laws. 4+8=12

OR

Explain the administrative relations between Union and States under the Constitution of India. 12

6. Write an elaborate note on national emergency under Article 352 of the Constitution of India. Explain its effects on fundamental rights. 6+6=12

OR

Discuss the procedure of amendment of the Constitution of India. Explain the limitations of parliamentary powers of amendment of the Constitution . Discuss with reference to relevant case laws. 4+8=12

7. What do you mean by Doctrine of Pleasure ? Discuss the Constitutional safeguards guaranteed to civil servants. 4+8=12

OR

Write an elaborate note on the constitutional scheme of freedom of trade, commerce and intercourse. Cite relevant case laws. 12

Total number of printed pages-8

19 (SEM-II) CL 2-1 (N/O)

2025

CONSTITUTIONAL LAW-II

Paper : 2-1

(New Course)

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Answer in brief : 2×10=20
- (a) Electoral College
 - (b) Money Bill
 - (c) Court of Record
 - (d) Judicial Activism
 - (e) Inter-State Council
 - (f) Concurrent List
 - (g) Financial Emergency

(h) Doctrine of Prospective Overruling

(i) Doctrine of Pleasure

(j) Freedom of Trade, Commerce and Intercourse

2. Discuss the similarities and dissimilarities in the powers and functions of the President of India and the Governor of a State.

6+6=12

Or

Define Parliamentary Privileges. What parliamentary privileges are available under the Constitution of India? Whether the parliamentary privileges need to be codified?

2+6+4=12

3. Describe the jurisdiction of the Supreme Court of India. Why it is called a Court of Record?

10+2=12

Or

What is the difference between Judicial Review and Judicial Activism? Explain with the help of relevant case laws.

8+4=12

4. What is Co-operative Federalism? Whether the Constitution of India is an example of Co-operative Federalism? Explain.

2+2+8=12

Or

Write short notes on :

6+6=12

(a) Doctrine of Pith and Substance

(b) Doctrine of Colourable Legislation

5. What is National Emergency? How does it affect the Centre-State Relations? Explain the difference between Article 358 and Article 359.

2+6+4=12

Or

What is the amending power of the Parliament under Article 368? Discuss the scope of this amending power with the help of relevant case laws.

6+6=12

6. Describe the freedom of trade, commerce and intercourse under the Constitution of India. What is Compensatory taxation? Explain with the help of relevant case laws.

6+6=12

Or

What is Doctrine of Pleasure? What constitutional safeguards are available to the civil servants against this doctrine?

4+8=12

Total number of printed pages-4

19 (II) CNLW-II 2-1

2024

CONSTITUTIONAL LAW-I

Paper : 2-1

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Fill in the blanks with appropriate option/
Choose *True* or *False* : $1 \times 10 = 10$
- (a) The President gives his resignation to the _____.
(Chief Justice of India/Vice President)
- (b) Prime Minister of India is appointed by _____.
(President/Parliament)
- (c) The charge of impeachment against the President of India for his removal can be preferred by either House of the Parliament. (True/False)
- (d) A distinguished jurist is eligible to become a judge in the Supreme Court of India. (True/False)

Contd.

- (e) Part XII of the Constitution of India describes the financial relations between Centre and States. (True/False)
- (f) Under Article 249, the Parliament is empowered to legislate with respect to a matter in the _____. (Union/State)
- (g) Tenth schedule of the Constitution was added by _____. (the Constitution (Forty-second Amendment) Act, 1976/the Constitution (Fifty-second Amendment) Act, 1985)
- (h) Part XVIII of the Constitution of India deals with _____ provisions. (Amendment/Emergency)
- (i) Person holding a civil post under the Union or State shall not be dismissed by an authority equivalent to the appointing authority. (True/False)
- (j) Article 304 empowers the legislature of a State to impose reasonable restriction on the freedom of trade, commerce or intercourse. (True/False)
2. Write brief notes on : 2×5=10
- (a) Power of Governor to promulgate ordinances
- (b) Court of Record
- (c) Consolidated Fund of India
- (d) Financial Emergency
- (e) Doctrine of Pleasure

3. Discuss how the President of India is elected. Explain the power and functions of the President of India. 4+8=12

OR

Write notes on : 6+6=12

- (a) Parliamentary Privilege and Fundamental Rights
- (b) Collective Responsibility

4. Discuss the Collegium system of appointment of judges in India. Explain the constitutional provisions which are intended to secure independence of judiciary. 4+8=12

OR

Write notes on : 4×3=12

- (a) Judicial Review
- (b) Judicial Activism
- (c) Advisory Jurisdiction of the Supreme Court of India

5. Discuss how the legislative power is distributed between the Union and the State under the Constitution of India. Highlight the theory of territorial nexus with the help of relevant case laws. 6+6=12

OR

Discuss how the administrative power is distributed between the Union and the State in our federal structure. Highlight whether there is any centralizing tendency in the distribution of administrative power between the Union and the State under the Constitution of India. 6+6=12

6. Write an exhaustive note on state emergency under Article 352 of the Constitution of India referring the landmark judgment of the Supreme Court of India in *S. R. Bommai v. Union of India*. 4+8=12

OR

Discuss the procedure laid down under Article 368 of the Constitution of India for amending the Constitution. Elucidate the role played by the judiciary on the power of the Parliament in amending the Constitution. 4+8=12

7. Discuss whether trade, commerce and intercourse is free under the Constitution of India. Emphasize if there are any restriction on the said freedom with the help of relevant case laws. 12

OR

Write an elaborate note on the scheme of constitutional safeguards to civil servants. Explain the circumstances under which the opportunity of being heard may be dispensed with. 6+6=12