

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.