

Total number of printed pages-4.

19 (3-II) CNLW-II

2016

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. Oath or affirmation of the President of India is mentioned under Art of the Constitution of India (60/61).
 - b. There shall be a Parliament for the Union which shall consist of the Governor and two Houses. (True/False)
 - c. Under Art..... every High Court shall be a Court of Record. (126/215)
 - d. A judge of the Supreme Court is appointed under the hand and seal of (the Chief Justice of India / The President of India)

Contd.

- e. Under Article 249, the Parliament is empowered to make laws on list (Union/State).
- f. According to Art. 165, no tax shall be levied or collected except by authority of law. (True/False).
- g. The proclamation under Art. 360 will cease to operate at the expiration of month(s) unless before the expiration of that period it has been approved by Parliament.(one/two).
- h. Article 5 of the Constitution of India can be amended by Parliament by majority. (simple/special)
- i. According to Art., Parliament is empowered to impose restrictions on trade, commerce and intercourse in the public interest. (302/304)
- j. The Civil Servant shall not be reduced in rank by an authority equivalent to the appointing authority. (True/False)

2. Write short notes on : 2×5=10

- a. Vice-President's Qualification
- b. Judicial Activism
- c. Co-Operative Federalism

- d. Grounds for Financial emergency
- e. Meaning of Trade, commerce and Intercourse

3. Write a brief note on the different privileges enjoyed by the members of the Parliament and State Legislature. Discuss the differences between parliamentary privileges and the Fundamental Rights. 8+4=12

OR

Explain the powers and functions of the Governor. Trace the relationship of the Governor with the Council of Ministers. 8+4=12

4. Discuss the following 6+6=12

- a. Removal of Judge
- b. Independence of Judiciary

OR

Write an exhaustive note on the Jurisdiction of the Supreme Court of India. Make a comparative note on Art. 32 and Art. 226 of the Constitution. 9+3=12

5. Discuss the scheme of distribution of legislative powers between the Union and the States under the Constitution. What are the reasons for which Centre has been made more powerful? 8+4=12

OR

Write brief note on:

6+6=12

- a. Financial relation between Union and the State
- b. Contingency Fund.

6. Discuss the emergency provisions under the Constitution. What are the changes made by the Constitution (Forty-Fourth Amendment) Act in Art 352? 8+4=12

OR

Why is amendment necessary? Discuss the various modes of amendment of the Constitution of India. Is there any limitation upon the Constituent power of Parliament? 2+6+4=12

7. What is Doctrine of Pleasure? Discuss the Procedural safeguards guaranteed to the Civil Servant under Art. 311(2) of the Constitution of India. Is there any exception? 3+5+4=12

OR

"Trade, Commerce and Intercourse throughout the territory of India shall be free". Discuss. Make a comparative discussion on Section 92 of the Australian Constitution and Art. 301 of the Constitution of India. 9+3=12