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23 (1) LLM-1-2

2015

FCL

Paper : 1002

Full Marks : 80

Time : Three hours

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

1. The Constitution of India is both Unitary as well as Federal according to the requirements of time and circumstances.

Under the above context analyse the federal contents of the Constitution of India. Embellish your answer with case laws.

16

Or

India is a 'Union of States'. In the Constitution nowhere it is mentioned 'unitary' or 'federal'. How do you establish that India is a federal country? As per debates and consensus in the Constituent Assembly Debates, explain the use of the world 'Union'.

Contd.

2. In India, the division of functions between the centre and the regions is two-fold from the point of view of territory and subject matter.

Attempt an exhaustive note on territorial jurisdiction to legislate. Explain the doctrine of extra-territorial jurisdiction. Embellish your answer with case laws. 16

Or

Write short notes on : 8+8=16

(a) Doctrine of Pith and substance.

(b) Doctrine of Repugnancy. — 3/4.

3. In the formative stages of development, in federations, the dominant operative concept was that of 'competitive federalism', but with the passage of time, the concept of 'competitive federalism' slowly gave way to 'co-operative federalism'.

Write an exhaustive note on co-operative federalism working under the Constitution of India. 16

Or

Write short notes on : 8+8=16

(a) Planning Commission.

(b) Finance Commission.

4. The scope and content of Art. 301 of the Constitution of India, depends on the interpretation of three expressions used therein, viz., 'trade, commerce and intercourse', 'free' and 'throughout the territory of India'.

Under the above context exhaustively analyse the Art. 301 of the Constitution of India, referring to Constituent Assembly Debates as well as case laws. 16

Or

No freedom can be absolute as absolute freedom of trade, commerce and intercourse may lead to economic confusion. Therefore, the freedom granted by Art. 301 is expressly limited by Arts 302 to 305.

Discuss in detail the Parliamentary power and States power to regulate trade and commerce.

Embellish your answer with judicial decisions. 16

5. Discuss the effect of proclamation of emergency as provided for under the Constitution of India.

Distinguish between Article 356 and Article 352. 16

Or

Discuss in detail the proclamation of emergency under Article 352. Can it be asserted that a proclamation of emergency under Article 352 is reviewable by the judiciary? Elucidate with Supreme Court's decisions.

16