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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: 1×10=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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