

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