

Total number of printed pages-3

14 (LLM-3) 3012

2023

PRINCIPLES OF CONSTITUTIONAL LAW-II

Paper : 3012

Full Marks : 80

Time : Three hours

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

1. The Indian Parliament differs from its British counterpart in a substantial manner. The American Congress, like the Indian Parliament, cannot enact a law which is against the Bill of Rights or which contravenes the scheme of distribution of powers or other constitutional provisions. (M. P. Jain, The Indian Constitutional Law). Explain. 16

Or

What do you understand by the term 'collective responsibility'? Trace out the history of the concept. Discuss in detail about the concept found under the Constitution of India and U.K. 8+8=16

Contd.

2. The concept of 'civil liberty' is a dynamic one. Explain the concept in the light of Indian Judiciary's role as a Defender of Civil Liberties. 16

Or

What are different types of parliamentary privileges? Write notes on the following:

4+3+3+3+3=16

- (a) Freedom of Publication
(b) Breach of Privileges
(c) Advantages of Parliamentary Privileges
(d) Need to Codify Parliamentary Privileges
3. Independence of judiciary is the *sine qua non* to promote constitutionalism. What are the provisions under the Constitution of India that specifically ensure judicial independence in the country? 16

Or

What are the challenges faced in ensuring judicial independence in India? Suggest some measures to overcome such challenges within the broad ambit of the Constitution of India. 8+8=16

4. Proclamation of an emergency is a very serious matter as it disturbs the normal fabric of the Constitution. (M. P. Jain, Indian Constitutional Law) Elucidate the statement in the context of the following:

5+5+6=16

- (a) Justiciability of President's Discretion
(b) Consequences of a Proclamation of Emergency
(c) Invocation of Art. 352

Or

Critically examine the following epoch making judgment: 16

S. R. Bommai v. Union of India,
AIR 1994 SC 1918

5. What is the necessity for incorporation of the provision of 'Amendment' in a Written Constitution?

Give a brief explanation of the historical perspective of the Constitutional Amendment in India in the light of Constituent Assembly Debates. 6+10=16

Or

Critically evaluate the Constitution 42nd Amendment Act, 1976. 16