

Total number of printed pages-4

19 (II) CNLW-II

2019

**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) The President of India cannot be re-elected for more than three terms.  
(True/False)
  - (b) The minimum gap permissible between two sessions of Parliament is \_\_\_\_\_.  
(60 days / 90 days)
  - (c) Sarkaria Commission was set up for the review of relation between Centre and the State.  
(True/False)
  - (d) The structure of Indian Constitution is \_\_\_\_\_. (Federal in form and Unitary in spirit/Unitary in form and Federal in spirit)

Contd.

- (e) The President's rule under Article 356 remains valid in the State for maximum period of one month. (True/False)
- (f) The concurrent list contains \_\_\_\_\_ subjects. (62/52)
- (g) The First Constitution Amendment was challenged in the case \_\_\_\_\_. (Sajjan Singh vs State of Rajasthan/Shankari Prasad vs Union of India)
- (h) Parliament may be law authorised to make laws on scarcity of goods in any part of India under \_\_\_\_\_.  
(Article 302/Article 303)
- (i) The Constitution of India reserves the Residuary powers to \_\_\_\_\_.  
(Union / Parliament)
- (j) The provision of Public Service Commission under the Constitution of India is in \_\_\_\_\_.  
(Article 314/Article 315)

2. Write short notes on: 2×5=10
- (a) Disqualification of Speaker
- (b) Court of Record
- (c) Cooperative federalism
- (d) Condition of Proclamation under Article 352
- (e) Public Service Commission.

3. Write notes on the following: 4×3=12
- (a) Executive powers of the Vice-President
- (b) Governor appointment and powers of Governor
- (c) Relation between two houses of the Parliament.

**Or**

Describe the election procedure of President. Can President delegate his powers? If yes, on what conditions and to whom he may delegate powers? 6+6=12

4. "The entire judiciary is one hierarchy of courts. If not only adjudicate disputes and act as the custodian of individual right and freedom but may from time to time need interpret the Constitution and review legislations to determine its boundaries."  
— Discuss the above statement with case laws. 12

**Or**

What do you mean by Parliamentary privileges? Write merits and demerits of Parliamentary privileges. 4+4+4=12

5. Discuss the following: 6+6=12
- (a) Doctrine of Colourable Legislation
- (b) Doctrine of Repugnancy.

**Or**

Write legislative relation between the Centre and the State. 12

6. Discuss the proclamation of State emergency and Financial emergency. On what conditions and up to what extension, State emergency can be extended? 6+6=12

**Or**

“From Shankari Prasad to Minerva Mills case, it is distinct that there has been a tag of war between the power of Judicial Review and Limitation of amendment power of Parliament” — Discuss with the help of ‘Doctrine of basic structure’. 12

7. “The content of Article 301 depends on the interpretation of three expressions—trade, commerce and intercourse” — Discuss the statement with reference to state’s power to regulate trade and commerce. 12

**Or**

Write notes on the following: 6+6=12

- (a) Doctrine of Pleasure  
(b) Reasonable opportunity to the Civil Servants.

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19 (II) CNLW 2.1

2018

**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 answers given in the brackets **or** choose True/False :  
1×10=10
- (i) The Speaker of Lok Sabha has to address his resignation letter to the \_\_\_\_\_. (Deputy Speaker of Lok Sabha/President of India)
  - (ii) Representation of the House of People is based on \_\_\_\_\_. (Area of the state/Population)
  - (iii) Under Article \_\_\_\_\_, the Supreme Court has power to make rules to regulate its own procedure. (145/149)
  - (iv) All proceedings in the Supreme Court and in every High Court shall be in \_\_\_\_\_ language. (English/English and Hindi)

Contd.

- (v) Full faith and credit shall be given throughout the territory of India to public acts, records and judicial proceedings of the \_\_\_\_\_. (Union/ Union and of every States)
- (vi) Article 245 has been interpreted on the basis of \_\_\_\_\_. (Doctrine of Territorial Nexus/Doctrine of Colourable Legislation)
- (vii) Presidential satisfaction for imposing President rule is \_\_\_\_\_. (subject to judicial review/not subject to judicial review)
- (viii) \_\_\_\_\_ case is popularly known as Habeas Corpus Case. (A.D.M. Jabalpur V. S. Shukla/Maneka Gandhi V. Union of India)
- (ix) Article \_\_\_\_\_ of the Constitution of India provides for the appointment of Election Commission. (324/224)
- (x) In Australia, trade, commerce and intercourse among the states shall be \_\_\_\_\_. (free/absolutely free)

2. Answer the following questions :

2×5=10

- (a) What do you mean by "Office of Profit"?
- (b) What is the meaning of 'Court of Record'?

- (c) What do you mean by 'Full Faith and Credit Clause'?
- (d) What are the informal methods of amendment of Constitution?
- (e) What do you mean by 'Reasonable Opportunity'?

3. Explain the position of the President of India. Refer relevant constitutional amendments and case laws. 12

**OR**

Explain the term 'Collective responsibility'. Distinguish between collective responsibility and individual responsibility in case of ministers. 6+6=12

4. Is the opinion of the Chief Justice of India binding on matters relating to the appointment of the Judges of the Supreme Court or High Court. Discuss with the relevant constitutional provisions and case laws. 12

**OR**

What do you mean by Writ? Explain about the different types of writ issued by the Supreme Court and the High Court of State. 4+8=12

5. Discuss critically the scope of Article 254 of the Constitution by referring to judicial decisions pronounced at times. 12

**OR**

What do you mean by Co-operative Federalism? Explain about the composition, duties and procedure of the Inter-State Council. 4+8=12

6. Critically examine the Constitutional Scheme of Emergency provisions under the present Constitution. Do you feel that the provisions can adequately protect misuse of the emergency provisions? 8+4=12

**OR**

“Our Constitution has adopted a via media between rigidity and flexibility in matters of amending process”. — Discuss. Critically examine the judicial response to the amending power and the limitations thereon. 6+6=12

7. Examine the Constitutional Scheme of Interstate trade and commerce highlighting on the significance of Article 304 of the Constitution. Refer to decisional laws on the same. 12

**OR**

How the Election Commission is constituted? What are the powers and functions of Election Commission?

6+6=12

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19 (II) CNLW-II

2017

**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. Article \_\_\_\_\_ empowers the President to issue Ordinances. (123/321)
  - b. Council of Ministers shall be collectively responsible to the President of India. (True/False)
  - c. The Supreme Court shall be a Court of record and shall have all the powers of such Court \_\_\_\_\_ the power to punish for contempt of itself. (including/excluding)

Contd.

- d. A distinguished Jurist is eligible to become a judge of the Supreme Court of India. (True/False)
- e. Article 253 states about legislation for giving effect to \_\_\_\_\_ .  
(international agreements/GST)
- f. Service tax is subsumed in GST.  
(True/False)
- g. Article 368 can be amended by \_\_\_\_\_ .  
(Special majority/Special majority with ratification of the State legislatures)
- h. The proclamation under Article 352 will cease to operate at the expiry of \_\_\_\_\_ month(s) if not approved by Parliament.  
(one/two)
- i. The Civil servant shall not be reduced in rank by an authority equivalent to the appointing authority.  
(True/False)
- j. Article 301 is modelled on section \_\_\_\_\_ of the Australian Constitution.  
(29/92)

2. Write short notes on :

2×5=10

- a. Vice-President
- b. Judicial Activism
- c. Article 254

- d. Doctrine of Basic Structure
- e. Doctrine of Pleasure.
3. How the President of India is elected? State the Pardoning power of the President. Does it extend to criminal contempt of court?  
6+3+3=12

**Or**

Write notes on the following : 4×3=12

- a. Composition of Parliament
- b. Executive powers of the Governor
- c. Relationship of the Governor with Council of Ministers.

4. Discuss the Advisory jurisdiction of the Supreme Court of India. Is the President bound by the advisory opinion of the Supreme Court?  
8+4=12

**Or**

Discuss the following : 6+6=12

- a. How a judge of a High Court is removed?
- b. Differences between writs of Prohibition and Certiorari.

5. Discuss the scheme of distribution of administrative powers between Union and the States under the Constitution of India.

12

**Or**

Write brief notes on :

6+6

- a. Doctrine of Pith and Substance
- b. Doctrine of Colorable Legislation.

6. Write an exhaustive note on proclamation of emergency under Article 352 of the Constitution. Make distinction between Article 358 and Article 359.

6+6=12

**Or**

What is amendment of the Constitution? Discuss how the Constitution of India is amended.

2+10=12

7. Write a brief note on Protection against arbitrary dismissal removal or reduction in rank of civil servants under the Constitution of India. When can an inquiry under Art. 311(2) be dispensed with?

6+6=12

**Or**

"Trade, Commerce and intercourse throughout the territory of India shall be free" — Discuss.

12

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

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**19 (Sem-I) CNLW (O)**

**2016**

**CONSTITUTIONAL LAW**

( Old Course )

*Full Marks : 80*

Time : Three hours

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

*Answer Question no. 1 and **any five** from the rest.*

1. Write brief notes on : **(any four)** 5×4=20
- a. Secularism
  - b. State under Article 12
  - c. Doctrine of Severability
  - d. Double jeopardy
  - e. Uniform Civil Code
  - f. Freedom of Religion

*Contd.*

2. Discuss the various modes of acquiring and termination of Indian Citizenship under the Indian Citizenship Act, 1955. 12
3. Write an exhaustive note on ideals of the preamble of the Constitution of India. Is preamble a part of the Constitution? Cite case-law. 8+4=12
4. Discuss various aspects of Article 14 of the Constitution of India. 12
5. "No person shall be deprived of his life and personal liberty except according to procedure established by Law".  
Explain and illustrate the statement. 12
6. Write short notes on: 6+6=12
- a. self incrimination
- b. ex-post facto laws
7. Write a detail note on different kinds of freedom guaranteed by the Constitution of India. Are such freedoms absolute?  
Discuss. 6+6=12
8. Discuss the fundamental duties of the Citizen of India. What changes have been made by the Constitution (Eighty Sixth Amendment) Act in Article 51A of the Constitution of India? 10+2=12
9. Write a brief note on Directive principles of State policy. State the differences between Fundamental rights and Directive principles of State policy. 4+8=12
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