


Name:			
Enrolment No:			
UPES End Semester Examination, May 2024			
Constitutional Law-II Program: BA. LLB/BBA. LLB /B.Com LLB(Hons.) Course Code: CLCC 2005		Semester: IV Time: 03 hrs. Max. Marks: 100	
Instructions: 1) All questions are compulsory. 2) Support all your answers with the decided case laws.			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	Define 'Curative Petition'.	2	CO1
Q 2	Differentiate between 'Respite and Remission'.	2	CO1
Q 3	What is 'Financial Emergency'?	2	CO1
Q 4	State the role of Attorney General of India.	2	CO1
Q 5	Define 'Advisory Jurisdiction'.	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	Explain the 'Doctrine of Repugnancy' with the help of judicial precedents.	5	CO2
Q 7	Explore the implications of Article 356 on state governments and analyze its impact on federalism in India.	5	CO2
Q 8	Evaluate the role of Article 304 in the Indian Constitution and its implications on state legislation concerning inter-state commerce.	5	CO2
Q 9	Examine the changes introduced in 1992 through 73 rd and 74 th Constitutional Amendments of and describe the institutional roles and responsibilities of these newly created bodies of rural and urban governance.	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q 10	"In every society, the Constitution is the ultimate embodiment of the people's will, a document that must evolve with the changing times to uphold justice and equality."	10	CO3

	In the light of above statement, examine the significance of the amendment process in the Indian Constitution, highlighting its role in adapting to the needs of a dynamic society while ensuring the preservation of fundamental principles. Analyze the procedure of constitutional amendments. Provide examples/case laws to support your arguments.		
Q 11	<p>Article 324 provides that the appointment of the Chief Election Commissioner and other Election Commissioners shall, subject to the provisions of any law made in that behalf by the Parliament, be made by the President. In view of this, the Central government notifies Election Commissioners (Appointment, Conditions of Service, and Term of Office) Act, 2023. The above act provides that the selection of ECs shall be made by a three-member committee which will eventually give the power to the Executive, who will have two-thirds voting majority in selection process.</p> <p>In view of the facts above, elaborate whether and how, in your opinion, the above-mentioned Act of 2023, is within the legislative domain of the parliament in light of presumption of constitutionality of a law and provisions of Article 324. Also, describe the process of removal of an EC from the office.</p>	10	CO 3
SECTION-D (2Qx25M=50 Marks)			
Q 12	<p><i>“It is the opinion of judiciary ‘symbolized by the view of Chief Justice of India’ which is given greater significance or primacy in matters of appointments. In other words, the view of Chief Justice of India is to be expressed in consultative process as truly reflective of the opinion of judiciary, which means that it must necessarily have the element of plurality in its formation. In actual practice, this is how the Chief Justice of India does, and is expected to function, so that the final opinion expressed by him is not merely his individual opinion, but the collective opinion formed after taking into account the views of some other judges who are traditionally associated with this function.”</i></p> <p>In the light of above statement, elucidate the norms laid down for the appointment of Supreme Court & High Courts Judges and for the transfer of High Court Judges.</p>	25	CO 4

Q 13	<p>In 2024, the Parliament passes the Uniform Civil Code, 2024 (UCC 2024). Under the UCC 2024, the Parliament framed certain uniform rules pertaining to the succession of the property, divorce, etc. Parliament also passes the 107th Amendment to the Indian Constitution by which the UCC 2024 was added to the 9th Schedule of the Constitution. The Parliament also inserted Article 31E to the Constitution of India by the Constitution 107th Amendment. Article 31 E provided as under: -</p> <p>"Notwithstanding anything contained in the Constitution of India, no law providing for the Uniform Civil Code shall be called in question in any Court on the ground that it is violating Art 14, 21 and 25 of the Constitution of India."</p> <p>Various petitions were filed under Article 32 of the Constitution of India by the persons on the ground that UCC, 2024 is violating Art 14,21 and 25 of the Constitution of India challenging the constitutional validity of Constitution 107th Amendment which put the UCC 2024 into the 9th Schedule. The Supreme Court has clubbed all the petitions. The Court has framed the following questions: -</p> <p>(1) What is the process of amending the Constitution under Art 368? (10 Marks)</p> <p>(2) Whether Constitution provides mechanism to amend the Constitution apart from the Art.368? (5 Marks)</p> <p>(3) Whether the Constitution 107th Amendment, which restricts the power of judicial review of the Court violates the doctrine of Basic Structure of the Constitution and can the Hon'ble Supreme Court judicially review the UCC 2024 which is now placed under the 9th Schedule? (10 Marks).</p> <p>Answer the above questions with the help of judicial precedents.</p>	25	CO 4
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