



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, May 2018

Program: B. Tech., LLB (Cyber & IPR Laws)

Semester : VI

Subject (Course): Constitutional Law II

Max. Marks : 100

Course Code : LLBL 222

Duration : 3 Hrs

No. of page/s: 2

Section A: Attempt any Two (2×5=10)

1. Explain curative petition.
2. Explain the grounds on which Financial emergency can be imposed.
3. Doctrine of Prospective Overruling.

Section B: (20 marks)

1. "A tax measure may sometimes, but not always restrict the freedom of trade, commerce and intercourse guaranteed by Art. 301 of the constitution." Discuss and also examine critically the reasons why the Supreme Court in the Automobile case rejected the widest view and narrower view about Art. 301 in Atiabari case. (10 marks)
2. "Parliament can change everything in the constitution except its basic structure." Explain the line in the light of Art. 368 of Constitution with the help of relevant case laws.(10 marks)

Section C: (20 marks)

1. In the light of decided cases, explain the process of opinion by the Chief Justice of India regarding the appointment of Supreme Court & High Court judges and the process of "consultation" between the CJI and the President in this regard.
If after the appointment, he is found that he is not eligible for appointment as judge of the Supreme Court. What is the remedy available against his appointment?

Section D: (10+20+20=50)

1. Explain the doctrine of Territorial Nexus with the relevant cases? (10 marks)
2. Decide the constitutional validity of the imposition of President's rule in the following cases:(20 marks)
 - a. After the election to the legislative assembly no single political party or group is in a position to prove majority in the assembly. The governor refuses to invite the leader of the party having largest number of members of the assembly to form the government in the state and recommends President Rule in the state on the ground of hung assembly.
 - b. In General election to Lok Sabha, the ruling party in the State X, has suffered a massive defeat. The President's rule is imposed in that state after dissolving the Legislative Assembly.
 - c. Can the proclamation of emergency be set aside by court?
 - d. The Union of India issues certain directions to a state in the exercise of its Constitutional power which is complied with by the State. President's rule is imposed in that state after dismissing the Chief Minister.
3. Decide the validity of the following laws: (20 marks)
 - a. A state law imposes tax in respect of all properties of a trust registered within the state and having properties outside the state.
 - b. The President promulgates an ordinance when house of people was in session.
 - c. The Parliament renames a state without receiving the approval of the affected state legislature.
 - d. With a view to help draught-affected people of state "R", the Parliament enacted a legislation exempting from all taxes food grains brought to that state while retaining the tax for other states.

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Section A: Attempt any Two (2×5=10)

1. Plenary powers of Parliament.
2. Constituent powers of Parliament.
3. Doctrine of Basic Structure.

Section B: (20 marks)

1. The Constitution of India provides for the freedom of trade, Commerce and Intercourse throughout the territory of India. Perhaps the freedom is subjected to certain Constitutional limitations. With the help of leading cases highlight the freedom guaranteed and the limitations imposed under Part XIII of the Indian Constitution.(10 marks)
2. The idea upon which the Constitution is based in one generation may be spurned as old fashioned in the next generation. It thus becomes necessary to have some machinery, some process by which the Constitution may be changed from time to time in accordance with the contemporary national needs. Discuss the machinery enshrined in the Indian Constitution with regard to its amendment.(10 marks)

Section C: (20 marks)

1. The Collegium System invented by the Courts was appreciated for ensuring exclusion of political interference in the appointment of judges. But it was also criticized for rewriting or amending the Constitution establishing monopoly of the judges in the appointment of the Supreme Court and High Court Judges and transfer of the latter from one High Court to another. With the help

of leading cases (Three Judges Cases), critically analyze and evaluate the Constitutional provisions for the appointment and transfer of judges.

Section D: (10+20+20=50)

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