


Name:	
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, May 2019

Course: CONSTITUTIONAL LAW-II **Semester: IV**
Program: B.A.,LL.B. (Honors) (Energy Law)/ B.A.,LL.B. (Honors) (Labour, Criminal & Constitutional Law)/ B.B.A.,LL.B. (Honors) (Corporate Law)/ B.B.A.,LL.B. (Honors) (BIF/ITIL)/ B.Com.,LL.B. (Honors) (Taxation Law)
Time: 03 hrs.
Course Code: CLCC 2005 **Max. Marks: 100**
Instructions:

SECTION A

S. No.	Attempt any FIVE questions	Marks	CO
Q1	Mention the residuary power under Art. 248 of the Constitution of India.	2	CO1
Q2	Discuss briefly 'compensatory and regulatory taxes' as per Art. 301 of the Constitution of India.	2	CO1
Q3	Define Special Leave to petition (SLP) under Art. 136 of the Constitution Of India.	2	CO1
Q4	What is judicial overreach?	2	CO1
Q5	Discuss the doctrine of 'Locus Standi'.	2	CO1
Q6	Name two leading cases pertaining to parliamentary privileges.	2	CO1

SECTION B

	Attempt any TWO questions.		
Q7	Explain the observation of Prof. K.C. Wheare that Indian constitution is quasi-federal.	10	CO2
Q8	Critically analyze the doctrine of territorial nexus with the aid of case law and constitutional provisions.	10	CO2
Q9	Do you think ' <i>Ram Jawaya Kapoor vs. State of Punjab</i> , AIR 1955 SC 549' still holds a good law? Give your opinions about the same	10	CO2

SECTION-C

	Attempt any TWO the questions		
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Q10	'President and Governors are merely nominal heads.' Discuss with case law.	10	CO3
Q11	What is the doctrine of Pith and Substance? With the help of relevant case laws.	10	CO3
Q12	Appointment of a person who is not a member of either house of Parliament as the Prime Minister of India', Discuss with the help of relevant constitutional provisions.	10	CO3
SECTION-D			
	Attempt Any FOUR questions		
Q13	'Judicial appointments have always been mired in controversy'. Comment on the above; using case law and legal provisions.	12.5	CO4
Q14	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.	12.5	CO4
Q15	What are the necessary pre-conditions before President's rule can be imposed in a State? What is the judicial review of a Proclamation issued under Article 356 of the Constitution?	12.5	CO4
Q16	Whether the Golaknath's case has been a roadblock to the fundamental rights or a new jurisprudence to develop and grow? Analyze the above statement in light of case laws from 1950 till date.	12.5	CO4
Q17	In State (ABC), a clash occurs between AAA & BBB workers causing death of two workers, one hailing from AAA and the other from BBB . All the accused are sentenced to life imprisonment by the High Court as well as the Supreme Court since there is concrete evidence (including eyewitnesses and medical evidence) attesting that they are involved in the murder of the workers. Of them, two are from AAA . The ruling government in state ABC is AAA . Those two workers are pardoned by the Governor on the aid and advice of the Council of Ministers. On the other hand, pleas of the BBB workers neither are heard nor are their cases scrutinized by the governor despite several requests by the convicted BBB workers. The BBB party files a petition in the High Court alleging arbitrariness on the part of the Governor. They contend that evidence against all was same but pleas of only the AAA workers were heard. Frame your judicial opinion.	12.5	CO4

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Course: CONSTITUTIONAL LAW-II

Program: BB.A., LL.B. (Honors) (Corporate Law)

Course Code: CLCC 2005

Instructions:

Semester: IV

Time: 03 hrs.

Max. Marks: 100

SECTION A

	Attempt all the questions	Marks	
Q1	What is judicial activism?	2	CO1
Q2	Discuss briefly the doctrine of 'Direct and immediate effect'.	2	CO1
Q3	Write a short note on 'doctrine of repugnancy'.	2	CO1
Q4	Mention advisory jurisdiction under A. 143 of the constitution of India.	2	CO1
Q5	Define 'Curative Petition'.	2	CO1

SECTION B

	Attempt any TWO the questions		
Q6	What is Doctrine of colorable legislation? Elaborate with the help of relevant case laws.	10	CO2
Q7	Discuss the relevant provision with regards to President's rule along with the help of landmark cases.	10	CO2
Q8	What do you mean by the writ of mandamus and give distinction between prohibition and certiorari?	10	CO2

SECTION-C

	Attempt any TWO questions		
Q9	Discuss the law laid down by the Supreme Court in <i>Kihoto Hollohon v. Zachilhu (1992) 1 SCC 309</i> .	10	CO3
Q10	Analyze the Doctrine of Pith and Substance with the help of leading cases	10	CO3
Q11	What are the powers, functions and duties of Comptroller General of India?	10	CO3

SECTION-D

SECTION-D			
	Attempt all the questions		
Q12	State X passed a law, which levies a tax on all telecom equipment brought into the state from outside through road, inland waterways or air. State X does not manufacture telecom equipment and relies on other states for its requirements. The Constitutional validity of this Act is challenged on the ground that it violates Articles 301 and 304 of the Constitutions.	15	CO4
Q13	Whether the Observations of Supreme Court in Shankari Prasad Case, the first known case on Article 368, still holds good. Discuss the jurisprudence under the relevant Article with the help of landmark cases.	20	CO4
Q14	Whether basic structure is too basic or fundamental requirement of the Constitution of India. Discuss and Elucidate.	15	CO4