


Name: Enrolment No:			
UPES End Semester Examination, May 2025 Course: Constitutional Law II Semester: IV Program: BA_BBA_B.COM_LLB Time: 03 hrs. Course Code: CLCC 2005 Max. Marks: 100 Instructions: <ol style="list-style-type: none"> 1. Read the questions and instructions attached to each question, Answer it accordingly 2. World Limit – Section A (50 Words), Section B (150 Words), Section C (300 Words), Section D (600 Words) – Please note that it is the maximum word limit, and students are expected adhere to it. 3. Substantiate your answer with the provisions of the law, case laws, principles, examples, as required. 			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	How does Article 246 of the Constitution of India reflect the principle of federalism?	2	CO1
Q 2	Who appoints the Governor of a State?	2	CO1
Q 3	Which constitutional provision is the basis for filing a curative petition?	2	CO1
Q 4	Under which Article is the Election Commission of India established?	2	CO1
Q 5	What are the eligibility criteria to be appointed as Attorney General of India?	2	CO1
SECTION B (4Qx5M= 20 Marks)			

Q 6	<p>Discuss the importance of Article 302. Can Parliament impose restrictions on trade and commerce between States?</p> <p style="text-align: center;">Or</p> <p>Discuss the relationship between Part III and Part XIII of the Indian Constitution. How do Articles 14 and 19 complement the freedom of trade and commerce guaranteed under Article 301?</p>	5	CO2
Q 7	<p>Explain the structure of Municipalities provided under the 74th Constitutional Amendment Act, 1992?</p> <p style="text-align: center;">Or</p> <p>Explain the major powers and functions of Municipalities listed under the Twelfth Schedule.</p>	5	CO2
Q 8	<p>Discuss the constitutional basis for the tortious liability of the State in India. Refer to relevant provisions</p>	5	CO2
Q 9	<p>Explain the doctrine of Repugnancy.</p>	5	CO2
<p>SECTION-C</p> <p>(2Qx10M=20 Marks)</p>			
Q 10	<p>Presume that the 130th Constitutional Amendment Bill, aiming to amend the process of electing the President of India, determine the minimum number of affirmative votes required for its passage in both the Rajya Sabha and the Lok Sabha, given that 200 members and 400 members were present during the voting, respectively, answer the following questions:</p> <p>Explain the step-by-step constitutional procedure for the passage of a bill seeking to amend the Constitution, highlighting any special requirements applicable to the 130th Amendment Bill. Whether the President of India can refuse to give assent to a constitutional amendment bill after it is passed. Justify your answer with reference to the relevant constitutional provisions.</p>	10	CO3

Q 11	<p>Rina, an environmental activist, files a public interest litigation before the High Court challenging the clearance given to a mega industrial project on grounds of massive ecological damage.</p> <p>The High Court dismisses her petition, finding “<i>no prima facie irregularity.</i>”</p> <p>Dismayed, Rina seeks to appeal to the Supreme Court through a Special Leave Petition (SLP) under Article 136 of the Constitution, arguing that the matter involves a grave public interest.</p> <p>However, at the preliminary hearing, the Supreme Court refuses to entertain her SLP, stating that it did not involve “<i>substantial miscarriage of justice</i>” warranting its intervention.</p> <p>Rina argues that she has a “<i>right to be heard</i>” on merits, and that denial amounts to a denial of access to justice.</p> <p>Q. Based on the above scenario, critically examine whether the Special Leave Petition (SLP) under Article 136 constitutes a right of appeal or a discretionary remedy. In your answer, analyze the constitutional scheme, judicial practice, and the rationale behind the Court’s discretion</p>	10	CO3
SECTION-D (2Qx25M=50 Marks)			
Q 12	<p>Following persistent criticisms regarding the lack of transparency in the Collegium System and increasing concerns about the pendency of judicial vacancies, a proposal was tabled in Parliament suggesting the formation of a National Judicial Appointments Authority (NJAA).</p> <p>The NJAA would consist of:</p> <ol style="list-style-type: none"> 1. The Chief Justice of India (Chairperson) 2. Two senior-most Supreme Court Judges 3. The Union Law Minister 4. Two eminent jurists nominated by an all-party parliamentary committee. 	25	CO4

	<p>(Members in the committee nominated by the parties having 5 or more seats. One member from all parties with 5 or less seats in the committee)</p> <p>All recommendations of the NJAA would be publicly disclosed, along with shortlisted names and reasons for selections, to ensure transparency. Critics argue that this model may improve public confidence but could still compromise judicial independence by allowing political influence through jurist nominations and the Law Minister.</p> <p>Proponents claim that opacity within the Collegium has already undermined institutional credibility and democratic accountability.</p> <ol style="list-style-type: none"> 1. Analyse the development of the collegium system through judicial interpretation and then critically evaluate whether the NJAA proposal, in the above narrative, strikes an appropriate balance between judicial independence, transparency, and public accountability in comparison to the existing constitutional frameworks. (18 Marks) 2. Whether the constitutional amendment creating the NJAA would be valid under the Basic Structure Doctrine. Discuss the scope and limitations of Parliament’s amending power under Article 368, with reference to key judicial interpretations. (7 Marks) 		
Q 13	<p>Presume that in 2026, India is rocked by an unprecedented internal upheaval. Severe economic recession, rising unemployment, and environmental disasters across northern India cause mass migrations, protests, and sporadic violence.</p> <p>A fringe militant group, claiming allegiance to “economic justice,” leads armed insurrections in several urban centres, attacking government institutions and blocking essential supplies. Citing these “armed</p>	25	CO4

rebellions”, the Union Cabinet urgently recommends the proclamation of a National Emergency under Article 352.

The President, based solely on the advice of the Cabinet, issues the Proclamation within hours. The Proclamation vaguely mentions “grave threats to the integrity and stability of India” without citing specific incidents or evidence.

Meanwhile, in three Opposition-ruled States *Pradesh, Utkal* and *Dakshin*, Governor’s report alleged “*complete breakdown of constitutional machinery*” because of mass protests and administrative paralysis.

Without verifying the ground situation or offering the Chief Ministers an opportunity to prove the majority or explain the situation, the Union Cabinet recommends President’s Rule under Article 356 for all three States. Within 48 hours, elected Assemblies are dissolved and President’s Rule is imposed.

In response, civil rights groups and affected State governments filed urgent petitions before the Supreme Court, invoking violations of Fundamental Rights, Federalism as part of the Basic Structure, and Misuse of Emergency Powers, relying their argument on the following Case laws:

ADM Jabalpur v. Shivkant Shukla (1976)- where the Court failed to uphold rights during the 1975 Emergency.

Minerva Mills v. Union of India (1980) - where the Court reaffirmed that limited government is part of the Basic Structure.

S.R. Bommai v. Union of India (1994) - where the arbitrary dismissal of State governments was curtailed.

The few questions still need to be answered that whether “armed rebellion” under Article 352 can be vaguely interpreted. Can the Union bypass elected State governments without due process?

In light of these, answer the following questions:

1. Critically assess whether the action of the President to proclaim National Emergency under Article 352 is constitutional and under the ambit of judicial review.

In case of National Emergency proclamation, whether the judiciary is adequately empowered and willing to act as the true guardian of constitutional democracy? (15 Marks)

2. Evaluate the constitutional and judicial safeguards against misuse of Article 356 (State Emergency), with special reference to S.R. Bommai v. Union of India. Evaluate whether the President was well within its power to impose president's rule without verifying the ground situation, only on receipt of report of Governor or offering the Chief Ministers an opportunity to prove the majority? (10 Marks)