



**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**  
**End Semester Examination, May 2022**

**Course:** Constitutional Law II  
**Program:** B.Tech LLB CSE CL/IPR

**Semester : IV**  
**Duration : 03 hrs.**  
**Max. Marks: 100**

**Course Code: CLCC 2005**

**Instructions:**

**SECTION A**  
*(Type the answers in test box)*

*Objective Type Questions/Definitions/fill in the blanks*

5Qx2M=10 Marks

Q. No.		Marks	CO
1	Mention the residuary power under Art. 248 of the Constitution of India.	2	CO1
2	Comptroller and Auditor General of India.	2	CO1
3	The Doctrine of Pith and Substance.	2	CO1
4	Ordinance-making power of President.	2	CO1
5	Discuss Office of Profit	2	CO1

**SECTION B**  
*(Scan and upload)*

(Conceptual based question)

4Q x5M=20 Marks

Q. No.		Marks	
1	Discuss briefly 'compensatory and regulatory taxes' as per Art. 301 of the Constitution of India.	5	CO2
2	Can a person convicted for an offence and disqualified to be a member of the State Legislature be appointed as a Chief Minister. Explain with the help of relevant provisions and case-laws.	5	CO2

3	The Governor of State promulgated ordinance in 1988, which he re-promulgated several times. Decide the validity of exercise of this power.	5	CO2
4	What are the principles of interpretation regarding distribution of legislative relations between Centre and State.	5	CO2

**SECTION-C**  
**(Scan and upload)**

(Descriptive/Analytical Questions)

2Qx10M=20 Mark

Q.No.		Marks	CO
1	<p>Schedule 7 of Indian Constitution provides :</p> <ul style="list-style-type: none"> <li>• <b>Entry 31 of List I</b> : Posts and telegraphs; telephones, wireless, broadcasting, and other like forms of communications.</li> <li>• <b>Entry 6 of List II</b> : Public health and sanitations; hospitals and dispensaries.</li> </ul> <p>A state law banned the use of loudspeakers after 10 p.m. in the interests of reducing noise pollution. Mr. X challenged the validity of State law on the ground that the State government does not have competency to make a law relating to loudspeakers rather the matter falls under the ambit of parliament by virtue of Entry 31 of List I. Critically analyze the constitutional validity of law.</p>	10	CO3
2	State A grants unconditional exemption from payment of Sales Tax to manufacturers/producers of edible oil within the State for 10 years. The manufacturers of edible oil from other states are subject to Sales Tax at 8%. Discuss the validity of said exemption.	10	CO3

**SECTION-D**  
**(Scan and upload)**

(Case Studies/ Application Based Questions)

2Qx25M =50 Marks

Q.No.		Marks	CO
1	There can be no question of repugnancy between a law made by a State Legislature under List II and a law made by the Parliament under List III of the Seventh Schedule to the Constitution. Examine critically the above statement in the light of	15	CO4

	<p>judicial decisions and constitutional provisions.</p> <p><b>Give your opinion on the below mentioned situation:-</b></p> <p>Parliament enacted the Prevention of Food Adulteration Act in 1954 providing for a maximum imprisonment of three years for any person found adulterating food items. The legislature of state X amended the law and increased the imprisonment to 7 years. This amendment received the assent of the President. Subsequently, Parliament amended the Act, and imposed the maximum imprisonment of 5 years. Examine the validity of the state amendment after the subsequent amendment by Parliament.</p>	10	
2	<p>a) Since 1951, questions have been raised about the scope of the Constitutional amending process contained in Article 368. The basic question raised has been whether the Fundamental Rights were amendable so as to dilute or take away the Fundamental Rights through a Constitutional Amendment. Explain with the help of leading cases right from Shankari Prasad Singh and aftermath the stern stand taken by the Hon'ble Supreme Court relating to the amending powers of the Parliament.</p> <p>b) Explain the doctrine of Basic Structure as propounded by the Hon'ble Supreme Court in Keshvananda Bharti Case.</p>	15 10	CO4



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**SECTION A**  
*(Type the answers in test box)*

*Objective Type Questions/Definitions/fill in the blanks*

5Qx2M=10 Marks

Q. No.		Marks	CO
1	Attorney General of India.	2	CO1
2	Define Special Leave to petition (SLP) under Art. 136 of the Constitution Of India.	2	CO1
3	Doctrine of Territorial Nexus.	2	CO1
4	Discuss advisory jurisdiction under A. 143 of the constitution of India.	2	CO1
5	Write a note on National Emergency.	2	CO1

**SECTION B**  
*(Scan and upload)*

*(Conceptual based question)*

4Q x5M=20 Marks

Q. No.		Marks	
1	Critically analyze the importance of Election Commission of India. Also state its functions.	5	CO2
2	Explain the principle of 'repugnancy'. Can it apply when two legislations, one enacted by Parliament and other by a State Legislature, cover a subject in state list? What procedure has to be followed to make a state law valid, even if the same was repugnant to the parliamentary legislation?	5	CO2

3	Discuss the concept of ‘Consultation’ and ‘Collegium’ for the appointment of judges of Supreme Court and High Courts. Can the appointment of judge made by collegiums be challenged on any ground?	5	CO2
4	Write a detailed note on Administrative relations between Centre and State.	5	CO2
<b>SECTION-C</b> <i>(Scan and upload)</i> (Descriptive/Analytical Questions) <span style="float: right;">2Qx10M=20 Mark</span>			
Q.No.		<b>Marks</b>	<b>CO</b>
1	Generally, the law made by the particular State Legislature are not applicable outside that state however there are certain circumstances when such law becomes applicable in other State as well subject to the fulfillment of certain conditions. Explain with the help of relevant doctrine and case laws.	10	CO3
2	An Editor of the Newspaper published the proceedings of the House, which the Speaker of the House ordered to be expunged from the proceedings of the House. Later on, the HOUSE initiated contempt proceedings against the Editor. Editor is taking the defence of Art 19(1)(a). Whether he will be successful or not?	10	CO3
<b>SECTION-D</b> <i>(Scan and upload)</i> (Case Studies/ Application Based Questions) <span style="float: right;">2Qx25M =50 Marks</span>			
Q.No.		<b>Marks</b>	<b>CO</b>
1	<p>What are guidelines for invocation of Article 356 in the light of S.R. Bommai vs. Union of India AIR 1994 S.C. 1918?</p> <p>Decide the constitutional validity of the imposition of President’s rule in the following cases:</p> <p>(i) A scuffle broke between two religious groups, which ultimately resulted into a communal clash &amp; violence between two communities in the entire state. Despite efforts made by the State Government, it failed to maintain the law and order situation in the State.</p> <p>The Governor of a State submits a report to the central government stating that there is breakdown of law and order in the state and recommended imposition of President’s Rule there. The President issues a Proclamation under Art 356 even though the Chief Minister of the state enjoys support of the</p>	5        10	CO4

