

Name:  
Enrolment No:



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

**Course: CONSTITUTIONAL LAW-II**

**Semester: VI**

**Program: B.TECH.(CSE), LL.B. (Hons.) Cyber Laws/B. TECH.(ET), LL.B. (Hons.) IPR**

**Time: 03 hrs.**

**Course Code: CLCC 2005**

**Max. Marks: 100**

**Instructions:**

**SECTION A**

S. No.	Attempt <b>any FIVE</b> questions	Marks	CO
Q1	Mention the residuary power under Art. 248 of the Constitution of India.	2	CO1
Q2	Discuss briefly the Pardoning Power of Governor.	2	CO1
Q3	Define Special Leave to petition (SLP) under Art. 136 of the Constitution Of India.	2	CO1
Q4	What is Advisory Jurisdiction?	2	CO1
Q5	Write a short note on Vice President of India.	2	CO1
Q6	What are Parliamentary privileges?	2	CO1

**SECTION B**

	Attempt <b>any TWO</b> 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	<b>Analyze the following-</b> a. Ordinance Making Power of President of India b. the suspension of Fundamental Rights During Emergency	10	CO2

**SECTION-C**

	Attempt <b>any TWO</b> the questions		
Q10	'President and Governors are merely nominal heads.' Discuss with case law.	<b>10</b>	<b>CO3</b>
Q11	Examine the process of passing of a bill? What are the powers of the Rajya Sabha regarding the Money Bill?	<b>10</b>	<b>CO3</b>
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 case laws.	<b>10</b>	<b>CO3</b>
<b>SECTION-D</b>			
	Attempt Any <b>FOUR</b> questions		
Q13	<p>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. For removing these criticisms Parliament amended the Constitution of India and established a National Judicial Appointment Commission which in 2015 is struck down by the Supreme Court on the ground that it violates Independence of Judiciary. Keeping the above facts in mind answer-</p> <p>What was the Composition of the NJAC? Critically examine the process of appointment of the Judges in the Supreme Court and High Courts with the help of decided cases</p>	<b>12.5</b>	<b>CO4</b>
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.	<b>12.5</b>	<b>CO4</b>
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?	<b>12.5</b>	<b>CO4</b>
Q16	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.	<b>12.5</b>	<b>CO4</b>
Q17	State of Uttarakhand on 20 <sup>th</sup> April, 2019 passes an Act named as Prohibition on Sale and Possession of Liquor Act, 2019 which came into force on 1 <sup>st</sup> May, 2018. The	<b>12.5</b>	<b>CO4</b>

main object of this act is the prohibition on sale and possession of Liquor in the State of U.P and whoever found selling or purchasing of liquor shall be punished for an imprisonment up to 10 years and the offence is non-bailabale. Mr James who is having a business of import and export of liquor in Lucknow challenges, this law on the basis that Import and Export of liquor is a subject matter of the Union List, in the Supreme Court of India by filing a Special Leave Petition. The counsel of the State says before the Court that selling and purchasing of liquor is a matter of State list therefore State is having the competency to enact the law.

In the light of above fact, examine the constitutionality of this act with the help of decided cases.

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**Max. Marks: 100**

**Instructions:**

**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 <b>any TWO</b> 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	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 <b>TWO</b> the questions		
Q9	Discuss the law laid down by the Supreme Court in <i>Kihoto Hollohon v. Zachilhu</i> (1992) 1 SCC 309.	10	CO3

Q10	Analyze the Doctrine of Pith and Substance with the help of leading cases	<b>10</b>	<b>CO3</b>
Q11	What are the powers, functions and duties of Comptroller General of India?	<b>10</b>	<b>CO3</b>
<b>SECTION-D</b>			
	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.	<b>15</b>	<b>CO4</b>
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.	<b>20</b>	<b>CO4</b>
Q14	Whether basic structure is too basic or fundamental requirement of the Constitution of India. Discuss and Elucidate.	<b>15</b>	<b>CO4</b>