


Name:			
Enrolment No:			
UNIVERSITY OF PETROLEUM AND ENERGY STUDIES End Semester Examination, December 2019			
Course:)		Semester: V	
Program: B.Tech LLB (CL)		Time: 03 hrs.	
Course Code:		Max. Marks: 100	
Instructions:			
		Mark s	CO
Q	Write short notes on following:		
1	Doctrine of Colourable legislation	2	CO5
2	Ninth Schedule of Constitution	2	CO5
3	Doctrine of pith and substance	2	CO4
4	Doctrine of Severability	2	CO3
5	Office of Profit	2	CO2
SECTION B			
6	Indian constitution is quasi federal constitution. Examine the statement with the help of decided cases.	10	CO1
7	Is Proclamation by President under Art.356 judicially reviewable? Elaborate with the help of decided cases?	10	CO4
SECTION-C			
8	State A has issued a notification of an Transport (recovery) Act, 2018, where it has directed the authorities to levy taxes on any goods that passes by the territory thereof using its surface transport or using its inland water.		
	Critically analyses if this law for levy of taxes for transports is constitutionally valid with the help of decided cases?	10	CO5
9	State A of Union of Angrashtra shares international boundary with State of Bhadrapur. Prior to 1958 State of Bhadrapur was part of Union of Angrashtra. In 1958 Bhadrapur became an independent and sovereign state, the division took place on the religious lines. People following religion A stayed back in Stare A and people of Religion B formed the state of Bhadrapur. People of Bhadrapur have been illegally coming to the territory of State A of Union of Angprastha. This illegal immigration has	10	CO4

	<p>significantly altered the demography of State A which has caused unrest and sporadic violence in the State A. Student leader of University of State A has filed a writ petition under Art.32 to the Supreme Court of Angprastha arguing that Union of Angprastha has failed in its constitutional duty to protect the State A.</p> <p>Write a reasoned decision in light of decided cases if the Union has failed in its duty towards State A. Constitution of Angprastha is pari materia with Constitution of India.</p>		
SECTION-D			
10	<p>Parliament of India has decided to amend the Indian Constitution through Constitution (Amendment) Bill, 2019. The Bill contains the provision that there will be a new procedure to amend the constitution. The Bill proposes the repeal of existing provision of Art.368 (1) and (2) and replace it with following provision.</p> <p>368 A: The Bill to amend the Constitution may be introduced in either of the House of the Parliament, however, if the Bill is introduced in the Rajya Sabha or it is send to Rajya Sabha afater being introduced and passed by the Lok Sabha through majority of the Loksabha and two thirds of the member present and voting, Rajya Sabha must vote on the Bill within two months. The Rajya Sabha should pass the bill with simple majority.</p> <p>Write a memo on following question, build argument with the help of decided Supreme Court of India for following question:</p>		CO5
i)	Is the Constitution (Amendment) Bill, 2019 valid amendment?	15	
ii)	In light of aforementioned facts, analyse the jurisprudence of Golakh Nath and Keshavanand Bharti case.	15	
	<p>Union of India has received intelligence input that some miscreants from across the border has entered within its border. Given the sensitivity of involved in the matter in the aftermath of dilution of Art.370, the Union Government does not wish to take any chances. Hence, it advised the President to proclaim an Emergency invoking Art.352 in the Union Territory of Jammu and Kashmir. It also enacted a legislation by the name Jammu and Kashmir (Emergency Laws) Act, 2019 (the Act). The Act provided, inter alia, that people of Jammu and Kashmir would not be able move to either High Court of Jammu and Kashmir or Supreme Court of India.</p>		
11	Examine the Constitutional validity of the Jammu and Kashmir (Emergency Laws) Act, 2019	20	