

# SET B

Roll No.....

SAP ID.....



**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**  
**End Semester Examination, July 2020**  
**Open Book – Through Blackboard Learning Management System**

**Course: ... CONSTITUTIONAL LAW II..... Semester:...IV B I..**

**Programme: ... B.A.,LL.B.,CL/LL/CL .....**

**Time: 03 hrs.**

**Max. Marks: 100**

**Instructions:**

As this examination is an open-book, the students are expected to demonstrate a very high degree of Academic Integrity and not copy contents from resources referred. Instructors would look for understanding of the concept by the students and any similarity found from resources online/ offline shall be penalized in terms of deduction of marks and even cancellation of paper in requisite cases. The online examination committee of the School would also look for similarity of two answer scripts and if answer scripts of two or more students are found similar, both the answer scripts shall be treated as copied and lead to cancellation of the paper. In view of the aforesaid points, the students are warned that they should desist from any unfair means and provide answers in their own words.

**All Questions are Compulsory**  
**Answer each question in not more than 500 words**

S. No.		Marks	CO
1	After the declaration of election result of Bihar Legislative Assembly, it was found that no political party or combination of parties was capable of forming the government for lack of required majority. The Governor of Bihar informed the President of India of this situation recommending suspended animation of the assembly and to take such appropriate actions as required. The State of Bihar was brought under the Presidents rule keeping the assembly in the suspended animation. The Governor again informed the President that no majority, capable of forming the government was emerging in the State, while reports of inappropriate means being used for securing majority were coming to him. Apprehending horse-trading and suspecting that various allurements were given to MLA'S to secure majority in suspended Assembly the Governor was of this view that this trend was required to be arrested immediately and a situation had arisen in the State wherein it would be desirable in the interest of the State that the Assembly presently kept in suspended animation is dissolved, so that the electorate can be provided with one more opportunity to seek the mandate of the people at an appropriate time to be decided in due course. Soon the President notified the dissolution of the suspended assembly. The President's action was challenged by some of the elected members of the dissolved Assembly. Examine whether the dissolution of the Assembly under Article 356(1) of the Constitution can be ordered to prevent the staking of claim by the political party on the ground that the majority has been obtained by illegal means.	20	CO 4
Ans.			

2	<p>'A' a firm had a liquor trade in Orissa. The notification issued under the Bihar and Orissa excise Act 1915, authorized the government to impose excise duty upon foreign liquor produced in India or abroad imported into the State of Orissa from other parts of India at the rate of Rs. 40 per LP GALLON. However, in 1961, by another notification issued under the same Act, this duty on foreign liquor was raised to Rs. 70 per LP gallon. Duty on homemade and countervailing duty on foreign liquor has been authorized under entry 51, list II. A challenged the original and increased duty on the following grounds.</p> <p>a. Since no foreign liquor was ever manufactured in the State, the original countervailing duty of Rs. 40 per LP gallon itself was ultra vires.</p> <p>b. Secondly, in any case the enhancement from Rs. 40 to Rs.70 was violative of Article 304 of the Constitution since the increase could not be justified as a reasonable restriction in the public interest under clause (b) of Article 304 nor as a non-discriminatory tax under Article 304 (a) nor did it fall under Article 305.</p> <p>In lieu of the above stated facts, decide the constitutionality of the impugned Act with the help of relevant provisions of the Constitution and Case Laws</p>	20	CO 4
Ans.			
3	<p>A newspaper by the name of 'Free Speech' printed and published in Karnataka had wide circulation in the State of Gujrat. 'B' through this paper conducted and ran prize competitions for which the entries were received from the state of Gujarat through agents and depots established in the State to collect entry forms and fees for being forwarded to the head office in Karnataka. The competitors filled the entry forms and either left them along with entry fees at the collection depots or sent the same by post from Gujarat. Meanwhile the legislature of Gujarat passed the Gujarat Lotteries and Prize Competitions Control and Tax Act, which imposed tax on prize competitions carrying on business in the state. Decide whether 'B' the organizer of the competition who was outside the state of Gujarat could be validly taxed under the Act.</p>	20	CO 2
Ans.			
4	<p>The Nirbhaya case had created an uproar across the country, yet it took the justice system seven long years to reach a final decision. Imagine what it would take anyone else in a similar situation with less publicity. The drama surrounding the execution that saw the death warrants cancelled thrice on various grounds over the last few years on the plea of Review Petition, Curative Petition and Mercy Plea. Examine how the delay tactics opted by the accused had caused unnecessary delay resulting into denial of justice. Also recommend certain suggestions that can help strengthen our legal procedures and policies to better serve justice.</p>	20	CO 3
Ans.			
5	<p>'A' carried a business of growing tea and exporting it to West Bengal via Assam. In the course of its passing through the State of Assam, the tea was liable to tax under the Assam taxation Act 1954, which imposed tax on goods carried by road or inland water ways in the State of Assam. 'A' questioned the constitutionality of the Act before the Court of Law on the ground of it violated the Freedom guaranteed under Article 301. Analyze and examine the constitutionality of the impugned Act with the help of relevant constitutional provisions and case laws.</p>	20	CO 4
Ans.			

I, ....., understand that submitting work that isn't my own may result in failure in this paper and I may also be subject to Disciplinary Proceedings as per the Academic Integrity policy of the University