


Name:			
Enrolment No:			
UPES End Semester Examination, May 2024			
Course: Constitutional Law II Program: LLB Course Code: CLCC1008		Semester: II Time: 03 hrs. Max. Marks: 100	
Instructions: <ol style="list-style-type: none"> i. All questions are compulsory. Answer the question thoroughly. ii. Support your answer with relevant legal statutes, case laws iii. Write your answer clearly and concisely. 			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	Distinguish between original and extraordinary original jurisdiction of the Supreme Court.	2	CO1
Q 2	Which case is known as the first judge's case?	2	CO1
Q 3	Which amendment to the constitution introduced the Panchayati Raj System?	2	CO1
Q 4	Write the qualifications to be elected as the President of India	2	CO1
Q 5	What is the List II under the Seventh Schedule of the Constitution of India?	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	Write a short note on the doctrine of Stare Decisis.	5	CO2
Q 7	Discuss the balance Articles 301 to 307 of the Indian Constitution intend to strike between free trade across state boundaries and the ability of states to regulate economic activities for reasons of public interest	5	CO2
Q 8	Discuss the role of the election commission in conducting free and fair elections.	5	CO2
Q 9	Explain the doctrine of Repugnancy.	5	CO2

SECTION-C (2Qx10M=20 Marks)			
Q 10	Evaluate whether the amendment procedure under Article 368 has effectively preserved the core values of the Constitution while allowing for necessary reforms and adaptations. Include a discussion of key amendments that have tested this balance	10	CO3
Q 11	Critically analyze the appellate jurisdictions of the Supreme Court of India. Distinguish between the writ jurisdiction under Article 139 of the constitution and Article 32 of the constitution.	10	CO3
SECTION-D (2Qx25M=50 Marks)			
Q 12	<p>In the state of Samavart, the coalition government has been in a fragile state due to internal conflicts among coalition partners. The Chief Minister, who represents the minority party in the coalition, has faced multiple no-confidence votes, barely surviving each due to external support from independent MLAs. Allegations have arisen about possible corrupt practices used to secure support. The situation escalates when the law and order in the state deteriorates, following communal clashes reportedly incited by leaders within the coalition government.</p> <p>The President of India, upon recommendation from the Council of Ministers, considers the imposition of Article 356, citing a possible failure of the government to maintain law and order as a breakdown of constitutional machinery.</p> <p>Develop a comprehensive memorandum to be presented in a policy debate focusing on:</p> <ol style="list-style-type: none"> i. The justification for the use of Article 356 in Samavart is based on the deterioration of law and order and the unstable government coalition. ii. The examination of the legal thresholds required for proving a ‘failure of constitutional machinery’ under Article 356. 	25	CO4

	<p>iii. Recommendations for legislative or constitutional reforms to refine the application of Article 356 to safeguard against its potential misuse while ensuring state governments are held accountable.</p>		
<p>Q 13</p>	<p>In the Republic of Indirapura, recent amendments to the constitution have sought to modify the existing provisions under Articles 124(2) and 217(1), which govern the appointment and transfer of judges to the Supreme Court and High Courts, respectively. Traditionally, these appointments and transfers were predominantly influenced by the judiciary through the collegium system, ensuring judicial independence. However, the amendments propose an increased role for the executive, which includes the establishment of a new commission where the majority are members appointed by the executive, including a significant representation from the ruling political party.</p> <p>The first use of this amended process was marked by controversy. The executive-dominated commission appointed several judges to the Supreme Court and various High Courts. Allegations surfaced that many appointees had significant ties to the ruling party, raising concerns over their impartiality. Additionally, some senior judges suitable for positions based on their qualifications and experience were overlooked, presumably due to their past judgments that had unfavourably affected government policies.</p> <p>As a constitutional lawyer, you have been approached by a group of retired judges and senior advocates to challenge these appointments and the constitutional amendments. They argue that these changes compromise the independence of the judiciary and potentially infringe upon the doctrine of separation of powers as envisioned in the Constitution of Indirapura. (<i>pari materia</i> to the Constitution of India)</p> <p>Prepare a comprehensive legal brief for the Constitutional Court of Indirapura that:</p>	<p>25</p>	<p>CO4</p>

	<ol style="list-style-type: none">i. Assesses the constitutionality of the amendments to Articles 124(2) and 217(1), particularly in the context of the independence of the judiciary and the separation of powers.ii. Analyzes the potential conflicts introduced by these amendments between the executive and judiciary branches of government.iii. Proposes arguments that could be used to challenge these amendments in the Constitutional Court, including any precedents from comparative jurisdictions that underline the importance of judicial independence.		
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