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2 SEM LLB CLI II 1(N)

2015

(June)

New Course

CONSTITUTIONAL LAW OF INDIA-II

Paper : 2.1

Full Marks : 80

Pass Marks : 32

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Choose the correct answer — $10 \times 1 = 10$

(a) Article 156(i) of the Constitution of India, provides that the Governor of a state shall hold office —

(i) for a term of five years

(ii) for a term of six years

(iii) until removed by the Parliament

(iv) during the pleasure of the President.

(b) The resolution of removing the Vice President of India, can be moved in the—

(i) Loke Sabha alone

(ii) either house of Parliament

(iii) joint sitting of the Parliament

(iv) Rajya Sabha alone.

(c) The minimum number of judges to sit on the Constitution Bench or on Bench which gives advisory opinion on reference by the President must be—

(i) one half of the total strength of the Supreme Court

(ii) Seven

(iii) one-third of the total strength of the Supreme Court

(iv) None of the above.

(d) The Power of judicial review in India can be exercised by—

(i) the Supreme Court alone

(ii) all courts

(iii) the Supreme Court as well as High Courts

(iv) None of the above.

- (e) The distribution of power between the centre and the states is based on the scheme provided—
- (i) Minto-morley Reform, 1909
 - (ii) Montague-Chemsford Act, 1919
 - (iii) Government of India Act, 1935
 - (iv) Indian Independence Act, 1947.
- (f) Finance Commission consists of—
- (i) five members
 - (ii) four whole time members
 - (iii) Chairman and four other members
 - (iv) Minister of Finance.
- (g) Which of the following Amendment Acts is said as a mini-constitution?
- (i) The Constitution (39th Amendment) Act
 - (ii) The Constitution (44th Amendment) Act
 - (iii) The Constitution (50th Amendment) Act
 - (iv) None of the above.

- (h) The President makes proclamation of emergency when—
- (i) The President himself is satisfied that there is a threat
 - (ii) the Prime Minister and the union cabinet decided upon it and give their opinion to the President in writing.
 - (iii) The Prime minister alone makes a recommendatioin for it
 - (iv) All of the above.
- (i) Doctrine of Pleasure does not include—
- (i) Chief Election Commissioner
 - (ii) Auditor General of India
 - (iii) members of Public Service Commission
 - (iv) All of the above.
- (j) The President can remove the Chairman or any other member of UPSC in accordance with—
- (i) the inquiry held under Act 145 by the Supreme Court
 - (ii) the misbehaviour proved by Supreme Court and it has recommended to the President

(iii) mental condition or adjudged insolvent

(iv) all of the above.

2. Answer the following questions *within 4/5* lines. $5 \times 2 = 10$

(a) When a joint sitting of both the Houses may be called by the President?

(b) Is the Supreme Court of India bound by its own-previous decisions?

(c) Analyse the tests for determining the repugnance between the union law and a state law.

(d) When does a proclamation of Financial Emergency may be issued and how?

(e) State the exceptions regarding exclusion of inquiry and opportunity of being heard under article 311(2) of the Constitution of India.

3. What are the necessary qualifications for election of the President of India? Mention the terms and conditions of his office.

$8+4=12$

Or

Discuss the principle of 'collective responsibility', whether a minister is individually responsible to Parliament?

$8+4=12$

4. What are the different jurisdictions of the Supreme Court of India? Explain the original and appellate jurisdiction of the Supreme Court. 6+6=12

Or

Explain the meaning and different purposes of issuing writs by the Supreme Court of India under Article 32 of the Indian Constitution. 12

5. Explain the scope and extent of the power of Parliament to amend the Constitution. Are there any limitations on the amending power of the Parliament? 8+4=12

Or

What do you understand by the emergency powers of the President of India? Examine the purposes for which such powers can be used. 4+8=12

6. Discuss the administrative relations between the union and the states under the Constitution of India. 12

Or

How the judges of the High Court are appointed and what are their qualification? In what manner the judge of a High Court can be removed from his post? 5+4+3=12

7. What do you mean by Doctrine of Pleasure ? Discuss the safeguards provided under the Constitution of India to a civil servant.

4+8=12

Or

What are the Constitutional provision on trade, commerce and intercourse in India? What type of restrictions can be imposed by the Parliament or State Government on the freedom of trade, commerce and intercourse?

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