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2 SEM LLB CLoI II 1(N)

2016

(June)

LAW

(New Course)

Paper : 2-1

(Constitutional Law of India II)

Full Marks : 80

Time : Three hours

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

1. Choose the correct answers : $10 \times 1 = 10$
- (a) The President of India can be removed by way of impeachment which can be made only —
- (i) by the Supreme Court
 - (ii) by the Rajya Sabha

- (iii) by the Members of Lok Sabha and Rajya Sabha.
- (iv) Can not be impeached.
- (b) The power of the President of India to issue an ordinance is a
- (i) Executive power
 - (ii) Legislative power
 - (iii) Constituent power
 - (iv) Quasi-judicial power
- (c) Representation of House of People is based on
- (i) area of the state
 - (ii) population
 - (iii) community
 - (iv) literacy rate
- (d) The Indian Parliament consists of
- (i) Lok Sabha, Rajya Sabha and the President

- (ii) Lok Sabha and Rajya Sabha
 - (iii) Rajya Sabha
 - (iv) Lok Sabha.
- (e) Disputes between States in India come to the Supreme Court under
- (i) appellate jurisdiction
 - (ii) advisory jurisdiction
 - (iii) original jurisdiction
 - (iv) none of the above
- (f) The power of judicial review in India is enjoyed
- (i) by the Supreme Court alone
 - (ii) by all Courts
 - (iii) by the Supreme Court and High Courts
 - (iv) by no Court.

- (g) Residuary powers are vested in the
- (i) Executive
 - (ii) Judiciary
 - (iii) Parliament
 - (iv) State Legislature
- (h) The Article of the Constitution which automatically becomes suspended on proclamation of emergency is
- (i) Article 14
 - (ii) Article 19
 - (iii) Article 21
 - (iv) Article 32
- (i) Art 360 of the Indian Constitution deals with
- (i) Election Commission
 - (ii) Financial emergency
 - (iii) Ordinance making power of the Governor.
 - (iv) Interstate Council.

- (j) 24th Constitutional Amendment was challenged in which of the following case.
- (i) Keshvananda Bharati *v.* State of Kerala.
 - (ii) A. K. Gopalan *v.* Union of India.
 - (iii) Minerva Mills *v.* Union of India.
 - (iv) Shankari Prasad *v.* Union of India.

2. Answer the following questions **within 4/5** lines. 5×2=10

- (a) Mention *two* privileges available to the members of the Parliament.
- (b) Write *two* differences between Pith and Substance and Colourable Legislation.
- (c) On what grounds a judge of Supreme Court can be removed from his office.
- (d) How the Electoral College is composed of ?
- (e) Mention the posts expressly excluded from the operation of the Doctrine of pleasure.

3. How the President of India is elected ?
Explain the Ordinance making power of
the President. 8+4=12

OR

Explain in brief the Tenth Schedule of the
Constitution of India by citing some
cases.

12

4. Independence of judiciary is one of the
essential features of Indian Constitution—
Explain critically. 12

OR

What are the different kinds of writs ?
Compare the Writ jurisdiction of Supreme
court and with that of High Court.

10+2=12

5. Discuss the Legislative relations between
the Union and the States. How can the
inconsistency between the laws made by
Parliament and those made by
legislatures on a subject be removed.

4+8=12

OR

Write short notes on :

(a) Finance Commission

(b) Interstate Council

6. Discuss the state emergency provided under Art 356 of Indian Constitution. 12

OR

Discuss the provision for the procedure of amendment of Indian Constitution. Explain in brief the Basic Structure doctrine.

6+6=12

7. Explain the constitutional provisions regarding the freedom of trade, commerce and intercourse in India by citing some cases.

8+4=12

OR

What do you mean by Doctrine of Pleasure ? Explain the relevant constitutional provisions through which restrictions have been imposed on doctrine of pleasure to provide safeguard to civil servants in India by citing some cases.

2+10=12
