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**2 SEM LLB CLI 1 (N)**

**2017**

(June)

**LAW**

Paper : 2.1

**(Constitutional Law of India-II)**

**(New Course)**

Full Marks : 80

Time : Three hours

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

1. How is the Governor of State elected? Describe his power and check the effective status of his office. 4+8=12

**Or**

What is Collective Responsibility? Describe relationship between the President and Prime Minister with case laws.

**6+6=12**

2. Elucidate the eligibility for appointment of judge of the Supreme Court. Describe procedure for appointment with the help of case laws. 4+8=12

*Or*

Elaborate the jurisdiction of the Supreme Court. 12

3. Describe the doctrine of territorial nexus and explain distribution of legislative powers between the Union and the States. 4+8=12

*Or*

Write short notes on the following :

6+6=12

- (a) Administrative relation between the Union and the States
- (b) Financial relation between the Union and the States.
4. Describe the amendment procedure of the Constitution of India. Is there any restriction on it? Mention case laws. 6+6=12

**Or**

What is National Emergency? Elucidate procedure to declare national emergency and check legality of previously declared emergency if any, with case laws.

4+8=12

5. What is Doctrine of Pleasure? Describe protection to a civil servant under Article 311 of the Constitution. 6+6=12

**Or**

What is Freedom of Trade? Describe power of the Parliament to impose restriction on it. 6+6=12

6. Choose the correct answers/fill in the blanks : 10×1=10

(a) The Governor of a State is appointed by the President on the advice of the —

- (i) Prime Minister
- (ii) Vice President
- (iii) Chief Minister
- (iv) Chief Justice.

- (b) The President gives his resignation to the
- (a) Chief Justice
  - (b) Parliament
  - (c) Vice President
  - (d) Prime Minister.
- (c) Every Judge of the Supreme Court including the Chief Justice unless resigned or removed earlier holds office till he attains the age of
- (i) 62 years
  - (ii) 68 years
  - (iii) 65 years
  - (iv) 70 years.
- (d) The jurisdiction of Supreme Court of India may be enlarged by
- (i) Parliament by Law
  - (ii) Parliament by resolution
  - (iii) The President
  - (iv) The President in consultation with the Chief Justice of India.

- (e) A law made by Parliament having extra territorial operation shall
- (i) not be deemed invalid
  - (ii) be deemed invalid
  - (iii) be deemed *ultra vires*
  - (iv) be deemed unconstitutional.
- (f) The provision for "Finance Commission of India" is provided under Article of Constitution of India.
- (i) Article 264
  - (ii) Article 280
  - (iii) Article 281
  - (iv) All of the above.
- (g) The validity of the Constitutional 39th Amendment Act 1975 was challenged on the ground that it destroyed the basic feature of the Constitution, in the case of
- (i) Ram Jawaya v. State of Punjab
  - (ii) Kesavananda Bharati v. State of Kerala
  - (iii) Indira Nehru Gandhi v. Raj Narayan
  - (iv) Khem Chand v. Union of India.

(h) The Presidents rule under Art. 356 of Constitution remains valid in the state for maximum period of

- (i) One year
- (ii) Six months
- (iii) Three years
- (iv) One month.

(i) Art. 301 of the Indian Constitution has been borrowed from

- (i) Section 92 of Australian Constitution
- (ii) Section 92 American Constitution
- (iii) Section 92 of British Constitution
- (iv) Section 92 of Japanese Constitution.

(j) Doctrine of Pleasure doesnot include —

- (i) Chief Election Commissioner
- (ii) Auditor General of India
- (iii) Members of Public Service Commission
- (iv) All of the above.

7. Answer the following questions within **four or five** lines : 5×2=10

- (a) Analyse the tests for determining the repugnancy between Union Law and a State Law.
  - (b) Mention *two* differences between Art. 32 and Art. 226 of Indian Constitution.
  - (c) Mention *two* grounds on the basis of which a member of Parliament can be disqualified under the provisions of the 10<sup>th</sup> Schedule of Indian Constitution.
  - (d) Define Inter State and Intra State Trade and Commerce.
  - (e) What is Informal Amendment ?
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