|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Roll No. |  |  |  |  |  |  |  |  |  |  |  |  |



**PRESIDENCY UNIVERSITY**

**Bengaluru**

|  |
| --- |
| **End - Term Examinations – JANUARY 2025** |
| **Date:** 17 – 01- 2025 **Time:** 01:00 pm – 04:00 pm |

|  |  |  |
| --- | --- | --- |
| **School:** SOL | **Program**: BA LLB/BBA LLB/B.Com LLB (Hons) | |
| **Course Code :** LAW3003 | **Course Name :** Constitutional Law II | |
| **Semester**: III | **Max Marks**:100 | **Weightage**:50% |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **CO - Levels** | **CO1** | **CO2** | **CO3** | **CO4** | **CO5** | **CO6** | **CO7** |
| **Marks** | **2** | **17** | **24** | **21** | **32** | **2** | **2** |

**Instructions:**

1. *Read all questions carefully and answer accordingly.*
2. *Do not write anything on the question paper other than roll number.*

**Part A**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Answer ALL the Questions. Each question carries 2marks. 10Q x 2M=20M** | | | | |
| **1** | Explain the Doctrine of Pith and Substance. | **2 Marks** | **L1** | **CO4** |
| **2** | Describe the role of the Governor as an officer of the Union Government in the State. | **2 Marks** | **L2** | **CO1** |
| **3** | Explain any two privileges provided by the Constitution to the Members of Parliament | **2 Marks** | **L2** | **CO2** |
| **4** | Explain the extraordinary jurisdiction of the Supreme Court of India. | **2 Marks** | **L2** | **CO3** |
| **5** | A person having a subsisting contract for the supply of goods to or execution of any works undertaken by the government cannot become a Member of Parliament. Explain with reasons. | **2 Marks** | **L4** | **CO7** |
| **6** | Explain the role of the Attorney General of India. | **2 Marks** | **L2** | **CO6** |
| **7** | Explain the concept validation act. | **2 Marks** | **L2** | **CO4** |
| **8** | Describe the division of legislative powers and functions as per the VII Schedule. | **2 Marks** | **L1** | **CO4** |
| **9** | Explain the qualifications for a person to become a Judge of a High Court. | **2 Marks** | **L2** | **CO3** |
| **10** | Explain the types of emergencies as detailed in the Constitution of India. | **2 Marks** | **L1** | **CO5** |

**Part B**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Answer the Questions Total 80 Marks** | | | | | |
| **11.** | **a.** | The availability of an independent judiciary and an atmosphere wherein the judges may act independently and fearlessly is the source of the existence of civilisation in society. In light of the statement, examine the jurisdiction of the Supreme Court of India as a court of record with reference to relevant case laws. | **10**  **Marks** | **L4** | **CO3** |
| **or** | | | | | |
| **12.** | **a.** | Mr X was appointed as a Judge of the High Court which was challenged by an advocate that he had only held an administrative role for 10 years and had not held any judicial office. Describe the qualification for becoming a Judge of the High. Decide whether Mr. X can become a judge of a High Court. | **10**  **Marks** | **L4** | **CO3** |
|  |  |  |  |  |  |
| **13.** | **a.** | Mr A had a mining lease from the State government and the State Government cancelled the lease. The State High Court provided an interim order against the State Government to desist from disturbing Mr A’s possession for three months. Decide whether an appeal is possible from the interim order with reference to case laws. | **10**  **Marks** | **L3** | **CO3** |
| **or** | | | | | |
| **14.** | **a.** | Explain the process of removing a judge from the Supreme Court of India. Elaborate on the instances wherein the process has been initiated. | **10**  **Marks** | **L4** | **CO3** |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **15.** | **a.** | The Parliament enacts a legislation for a State which was under President’s Rule. Describe the scope, extent and the validity of such a legislation | **10**  **Marks** | **L4** | **CO5** |
| **Or** | | | | | |
| **16.** | **a.** | Critically examine the process and procedure of amendment to the Constitution of India. | **10**  **Marks** | **L4** | **CO5** |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **17.** | **a.** | A state legislature enacted a State University Act under an entry in List II wherein it prescribed Gujarati or Hindi as the exclusive medium of instruction for education imparted in the said University. Decide on the validity of such legislation in the context of doctrine of harmonious construction and relevant case laws. | **15**  **Marks** | **L5** | **CO4** |
| **Or** | | | | | |
| **18.** | **a.** | A state legislature enacted a legislation for the protection and preservation of propertied appertaining to Hindu religious trust in the territory. Decide on the applicability of the law on the properties of the same trusts outside the territorial jurisdiction of the State. | **15**  **Marks** | **L5** | **CO4** |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **19.** | **a.** | A teacher appointed in a primary registered under the society under the Society Registration Act. The Government exercised control over the composition, functions and powers of the organisation. The teacher was dismissed from service and now wants to context in the State Legislative Assembly. The election petition filed in the High Court found that he is disqualified as he holds an office of profit under the Government. The appeal is now filed in the Supreme Court of India. Decide the case on the test applicable to hold an office as an “office of profit under the government” with reference to parliamentary membership qualifications and disqualification**.** | **7+8**  **Marks** | **L5** | **CO2** |
| **Or** | | | | | |
| **20.** | **a.** | A complaint of disqualification was filed against a member of a State Legislative Assembly. The matter was then referred to the Election Commissioner by the Governor. The Chief Election Commissioner was found to have engaged the complainant’s wife as a counsel in a case. Decide on whether the Chief Election Commissioner can participate in the decision-making process of the case. Elaborate the nature of the procedure to be followed in such circumstances. | **15**  **Marks** | **L5** | **CO2** |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **21.** | **a.** | The Chief Minister had been wrongly appointed by his predecessor as he was disqualified to be a member of the legislature on the ground of his conviction in a criminal case. Decide on whether the imposition of the President’s Rule can be successfully challenged in a court on any ground. Describe the safeguards provided by the Constitution to prevent the abuse of this power | **20**  **Marks** | **L4 &L5** | **CO5** |
| **Or** | | | | | |
| **22.** | **a.** | The parliament made legislation which imposed a ceiling of agricultural land holding in State Y. The statute was then placed under IX Schedule. The action was challenged on the grounds of violating the basic structure of the Constitution. Decide on the validity of the Union Government’s action in light of *Waman Rao v. Union of India (1981).*  Describe as to whether the protection of the Ninth Schedule and Art. 31B shall extend to the legislation post-Kesavananda judgment. | **8+12=**  **20 Marks** | **L4 & L5** | **CO5** |

**\*\*\*\*\* BEST WISHES \*\*\*\*\***