



**PRESIDENCY UNIVERSITY
BENGALURU**

**SCHOOL OF LAW
END TERM EXAMINATION - JAN 2023**

Semester : SEMESTER - III - 2021

Course Code : LAW3003

Course Name : Sem III - LAW3003 - Constitutional Law II

Program : LLB (All Programs)

Date : 6-JAN-2023

Time : 1.00PM - 4.00PM

Max Marks : 100

Weightage : 50%

Instructions:

- (i) Read all questions carefully and answer accordingly.
- (ii) Question paper consists of 3 parts.
- (iii) Scientific and non-programmable calculator are permitted.

PART A

ANSWER ALL THE FOLLOWING QUESTIONS

10 X 2 = 20M

1. Who termed the Indian model of Federalism as Quasi-Federal in nature?
(CO1) [Knowledge]
2. What are the peculiar features of Indian Federalism?
(CO1) [Knowledge]
3. Explain the powers of the Speaker with respect to passing of a Money Bill in the Parliament.
(CO2) [Knowledge]
4. Under what circumstances, the President of India can summon both of the Houses of the Parliament for Joint Sitting?
(CO2) [Knowledge]
5. The National Judicial Appointments Commission was introduced by the Constitution (Nintety-ninth Amendment) Act, 2014. Discuss the functions of the same.
(CO3) [Knowledge]
6. Explain the Writ jurisdiction of High Courts in India.
(CO3) [Knowledge]
7. What do you mean by an Annual Financial Statement?
(CO4) [Knowledge]
8. Explain the doctrine of pleasure with respect to Union and State Public Service Commission.
(CO4) [Knowledge]
9. Explain the grounds for the proclamation of State Emergency.
(CO5) [Knowledge]
10. Under the proclamation of national emergency, which Fundamental Rights cannot be suspended by the President?
(CO5) [Knowledge]

PART B

ANSWER ALL THE FOLLOWING QUESTIONS

4 X 10 = 40M

11. Outline the limitations of the present system of appointment of judges in higher judiciary in India. What according to you can be a suitable alternative model and suggest changes in the existing model for appointment of judges in higher judiciary. Which model of appointment of judges in your opinion best serves the Indian Constitutional values and principles?
(CO3) [Comprehension]
12. On the 28th of January, 1950, two days after India became a Sovereign, Democratic, Republic, the Supreme Court came into being. According to the law declared by the Supreme Court it shall be binding on all High courts and subordinate courts within the territory of India. Elucidate on the various kinds of jurisdiction of the Supreme Court of India.
(CO3) [Comprehension]
13. Elucidate the conflicts that arise with respect to legislative relations between the centre and states by discussing the doctrine of colourable legislation and the doctrine of harmonious construction along with relevant case laws.
(CO4) [Comprehension]
14. The power conferred by Art 356(1) upon the President is of an exceptional character designed to ensure that the government of the states is carried on in accordance with the Constitution. In this light, write a note on the centralising features of the Indian Constitution in case of failure of constitutional machinery in States along with relevant case laws.
(CO5) [Comprehension]

PART C

ANSWER ALL THE FOLLOWING QUESTIONS

2 X 20 = 40M

15. Arvind P. Datar in his opinion said, "...very few critics understand that the constitutional amendment and the NJAC Act, 2014 was so badly drafted that the NJAC would have collapsed under its own contradictions. All the counsels who argued against the amendment, including Fali Nariman, the late Anil Divan, the late Ram Jethmalani and this writer had repeatedly informed the Supreme Court that they had no objection to the NJAC replacing the collegium provided judges, sitting or retired, were in a clear majority in the Commission. But the Union of India refused to relent and the 99th amendment was eventually struck down as being violative of the basic structure." Critically analyse and compare the NJAC system with the Collegium system with respect to appointment of judges in higher judiciary. Further, provide your suggestions on the same.
(CO3) [Application]
16. The Indian Constitution has been referred as a Quasi-federal constitution with having strong centralising powers in cases of emergency and otherwise situation whereas the U S Constitution is purely federal in nature. In the light of the above statement, draw a comparison between Indian federal structure and U S federal Structure.
(CO4) [Application]
