

SCHOOL OF LAW
HAMDARD INSTITUTE OF LEGAL STUDIES & RESEARCH (HILSR)
JAMIA HAMDARD, NEW DELHI
End Semester Theory Examination, May/June 2024
B.A.L.L.B. IV Semester
Constitutional Law - II (B.A.L.L.B –404)

Time : 3 Hours

Maximum Marks-60

Instructions

- I. Write your Roll Number on the top immediately on receipt of this question paper.
- II. Attempt five questions selecting one from each Unit. All questions carry equal marks.

Unit -I**(12 marks)**

1. Explain the applicability of maxim “durante bene placito” with reference to tenure of public servants in India.

OR

2. The President of Terrasen promulgates “National Security Ordinance”. Aedion, a local leader is detained under this ordinance. He approaches the Supreme Court on the ground that the conditions precedent are not complied with and the President must disclose the reasons for the satisfaction. Decide the fate of this challenge with help of relevant articles and cases.

Unit-II**(12 marks)**

3. Mr. Marvel is the Chief Minister of the state of Avena. Fourteen members of legislative assembly belonging to his party wrote to the governor that “There was widespread corruption, nepotism, favouritism, abuse of power and misuse of Government machinery in the functioning of the Government headed by Chief Minister, Mr. Marvel” with a request to the Governor to intervene and to institute the constitutional process. Mr. Marvel filed application of disqualification against the 14 MLAs. The Speaker asked the 14 members to answer the charges of defection within 2 days. The 14 MLAs replied that they will support any other leader of the party apart from Mr. Marvel. Decide the application of disqualification as a speaker having regard to constitutional provisions and the judicial precedents relating to anti-defection.

OR

4. Parliament is a quintessential public institution which deliberates on the actualisation of the aspirations of all Indians. Discuss the kinds of parliamentary privileges under

our constitutional and democratic set up which enables the legislators to freely opine on the business before the House with the help of relevant articles and case laws.

Unit- III**(12 marks)**

5. Mr. Tom was the Chief Justice of the democratic nation, Azura. He was going to retire after six months. So, he recommended the name of Mr. Jerry (the sixth senior-most judge) to be the next Chief justice of India. Out of the four seniors most judges of the Supreme Court, Mr. Harry, Mr. Ron, Mr. Fin and Ms. Hermoine. Only Mr. Fin supported the CJI’s decision. A recommendation was sent to the President of Azura for appointment of Mr. Jerry. Decide whether President is bound to follow the recommendation of the CJI in the appointment of Mr. Jerry as the next CJI.

OR

6. The Supreme Court has evolved from a positivist outlook into an activist outlook over the last many years due to the complexity and the pluralization of the polity. Discuss the dynamic role played by the Court to protect the rights of the citizens with the aid of relevant judicial decisions.

Unit -IV**(12 marks)**

7. The distribution of legislative powers between the Centre and states is the most important characteristics of a federal constitution. Enumerate the doctrines used by the courts to ascertain the domain and true character of the legislation.

OR

8. The Constitution of India lays down a flexible and permissive, and not a rigid scheme of allocation of administrative responsibilities between the Centre and the states. Do you agree? Given reasons for your answers with the support of relevant provisions.

Unit-V**(12 marks)**

9. The modern idea of constitutional emergency powers is derived from Roman model of dictatorship. However, most jurisdictions around the globe today prescribes conservative form of temporary government while providing for emergency powers to escape the ghost of dictatorship from threatening democracy. In the light of the above statement, examine the extent and effect of emergency powers under the Indian Constitution. Also, discuss the scope of judicial review when emergency is declared with the help of relevant judicial decisions.

OR

10. Write short note on any two of the following:

- a. Election Commission of India
- b. Public service commissions
- c. Local self-government
