

**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

Course: Constitutional Bodies  
Semester-II (Batch: 2018-19)

LL.M. End Semester Examination: May-2019

Date: 4<sup>th</sup> May, 2019

Duration: 3 hours

Max. Marks: 70

**Instructions:**

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write anything on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

**Part-A**

**Marks**

Answer **any two** questions:

- Q.1 Discuss how does the Proportional Representation with Single Transferable Vote electoral system function in a multi-member election and in a single member election. Critically evaluate the applicability of this method to the election of the President of India, with special reference to the Constituent Assembly Debates. (15)
- Q.2 “Our Constitution, though federal in its structure, is modelled on the British Parliamentary system where the executive is deemed to have the primary responsibility for the formulation of governmental policy and its transmission into law though the condition precedent to the exercise of this responsibility is its retaining the confidence of the legislative branch of the State. The executive function comprises both the determination of the policy as well as carrying it into execution. This evidently includes the initiation of legislation, the maintenance of order, the promotion of social and economic welfare, the direction of foreign policy, in fact the carrying on or supervision of the general administration of the State.” (15)
- In the light of the above statement, critically analyse the decision of the Supreme Court of India in *Rai Sahib Ram Jawaya Kapur v. The State of Punjab* AIR 1955 SC 549, and discuss how far it deviates from the majority opinion laid in *Youngstown Co. v. Sawyer* (1953) US 343.
- Q.3 Explain the procedure for promulgation and lapse of an Ordinance. Deliberate on the nature of satisfaction of the President under Article 123 of the Constitution. Critically evaluate the re-promulgation of ordinances. (15)

**Part-B**

Answer the questions:

- Q.4 Analyse, with the help of case laws, the power of the Supreme Court under Article 129 to punish contempt of the High Courts and other subordinate courts. (05)
- Q.5 Summarize the guidelines laid down by the Supreme Court of India in *Shatrughan Chauhan v Union Of India*, (2014) 3 SCC 1. (05)



**Part-C**

Answer the question:

- Q.6 What are Parliamentary Privileges? Why are Parliamentary Privileges essential? What are individual and collective Privileges? Are the Parliamentary Privileges extended to Attorney General, Union Ministers and President? (06)

**Part-D**Answer **any three** of the following:

- Q.7 What is the meaning of the term 'office of profit'? When does the disqualification from membership of a House of Parliament arise? Explain the term with relevant case laws and provisions. What are the principal tests for deciding whether an office of profit is held under the government? (08)
- Q.8 Explain the terms 'Sessions of Parliament', 'Prorogation', and 'Adjournment'? When, and on what consideration, can the power to dissolve Lok Sabha be exercised by the President? Is the President bound to dissolve a House on the advice of the Prime Minister who does not enjoy the confidence of the majority in the House? (08)
- Q.9 Making laws is Parliament's major pre-occupation. Changing and complex socio-economic problems constantly demand new laws and, thus, Parliament spends a good deal of its time on legislative activity. Critically examine 'Legislation' as a function of Parliament. (08)
- Q.10 In the case of *Kiboto-Hollohan*, matters relating to disqualification of some members of the Nagaland Assembly on the ground of defection under the Tenth Schedule to the Constitution came up for consideration. Matters relating to several Legislative Assemblies including those of Manipur, Meghalaya, Madhya Pradesh, Gujarat and Goa were also heard along-with since all of them involved decision of certain constitutional questions relating to the constitutional validity of paragraphs 2 and 7 of the Tenth Schedule and of the 52<sup>nd</sup> Amendment. Critically analyze the Speaker's functions under the Tenth Schedule and discuss the constitutional validity of paragraphs 2, 6 (1) & (2) and 7 of the Tenth Schedule. (08)

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