

**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

Course: Constitutional Bodies  
Semester- II (Batch: 2020-21)

End Semester Online Examination: June 2021 (LLM)

Date: 22<sup>nd</sup> June, 2021

Duration: 8 hours

Max. Marks: 50

**Instructions:**

- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.
- Word Limit: 500-600 words

- |   | <b>Marks</b> |
|---|--------------|
| <p>Q.1 “Long and interminable delays in the disposal of mercy petitions are a serious hurdle in the dispensation of justice and indeed, such delays tend to shake the confidence of the people in the very system of justice. The mercy petitions under Article 72/161 can be disposed of at a much faster pace than what is adopted now, if the due procedure prescribed by law is followed in verbatim.” In light of the above statement answer the following questions:</p> <p style="margin-left: 40px;">a) Identify at least five reasons for delay in deciding the mercy petitions?</p> <p style="margin-left: 40px;">b) Suggest at least five measures which you strongly feel would help for the speedy disposal of mercy petitions.</p>  | (10)         |
| <p>Q.2 In 1947 Shri G.V. Mavalankar, India’s first Lok Sabha speaker while addressing the Presiding Officer’s Conference warned about the perils of ordinance and their potential misuse. He predicted Ordinances were intended only for emergency circumstances, and relaxing that constraint, may encourage governments to resort to them when faced with ‘inconvenient legislation’. In 1950 in his letter to Prime Minister Jawaharlal Nehru underlining the perils of relying on ordinances to carry out the government’s legislative agenda, he noted the house carries a sense of being ignored, and, the Central Secretariat (Parliament) perhaps gets into the habit of slackness, neither of which was conducive to the development of the best parliamentary traditions. Again in 1954, he persisted against ordinances, reminding Nehru that they should be limited to cases of ‘extreme urgency or emergency’. And if ordinances ‘were not limited by convention only to extreme and very urgent cases’, the result may be that, in future, the government may go on issuing ordinances giving the Lok Sabha no option, but to rubber-stamp’.</p> <p>In light of the above observations, do you agree that even after more than seventy years, ordinances are neither exceptional nor limited, they are somewhat parallel methods in India’s parliamentary system. Justify your answer with the help of at least five ordinances promulgated by the President of India in the last 10 years, which you consider were made to deal with “extreme emergency” and “urgent cases”.</p> | (10)         |

- Q.3 “The politics of defection has been the bane of the Parliamentary system in India. It has been described as a ‘national malady’ which ‘eats into the very vitals of our democracy’. Anti-Defection law which was brought to curb this practice is no longer an effective check on the phenomenon of defection. In light of the above statement, evaluate the role of judiciary in **strengthening** Schedule X of the Indian Constitution (10)
- Q.4 “The reasoning adopted by the majority in Search Light case would unduly restricted and circumscribed, the wide scope and content of one of the cherished fundamental rights, namely, the freedom of speech in its application to the Press”. Discuss critically the search light case in the light of the above statement. (10)
- Q.5 One of the former Chief Justices of India, characterised the impeachment process as being “practically impossible. The process is just too cumbersome.” Do you agree with this statement? Identify the loopholes in the existing impeachment process and suggest various measures to make it more practical and effective by referring to actual attempts to impeach. (10)

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