

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Centre-State Relations and Local Self-Government
Semester-VIII (Batch: 2018-23)

End Semester Online Examination: May 2022

Date: 15th May, 2022

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: 10 Marks: 500-600 words.

Marks

- Q.1 The Constitution of India envisages for a Tribunal to resolve the conflicts between two or more States with regard to sharing of waters of inter-state rivers or river valley. The legislation made thereunder also can exclude the jurisdiction of any court including the Supreme Court of India. The total exclusion of judicial authority is provided because of the nature of the problem for which legal solutions are by and large ineffective. This particular problem of sharing river waters encompasses among many other things, the political considerations which cannot be satisfied by judicial interpretations. Analyse the jurisdiction exercised by the Supreme Court of India on various water disputes. What is the scope of judicial review in relation to water disputes? (10)
- Q.2 Mrs. Rajsree and Mr. Renjith are owners of agricultural lands in the State of Karnataka. They also hold agricultural land in Coimbatore, in the State of Tamil Nadu. Section 15 (3A) was inserted in the Tamil Nadu Agricultural Lands Ceiling Act through the Amendment Act of 2021. It lays down that for computing the ceiling area of a person in the State of Tamil Nadu; his holding in another part of India has also to be taken into account. In respect of said legal provision, notices were issued by the Revenue authorities of State of Tamil Nadu for reopening the ceiling cases. (10)

Section 15(3A) provides for the following:

“Where any person holds any land in any other part of the India, outside the State, then of the area of land so held by him in such other part, not exceeding the maximum area of land which such person is entitled to hold in such other part of India under any law, if any, relating to ceiling on land, used or capable of being used for agricultural purposes, shall be excluded from the ceiling area in excess of which a person is not entitled to hold land under this section and the extent of land determined after so excluding such area shall in relation to such person, be deemed to be the ceiling area, to be held by him in this State. Provided that where any such person disposes of, at any time before the determination of ceiling area under this Act, any land or part thereof so held by him any other part of India outside the State in accordance with the provisions of law in force in

such part, the area equal to the land or part thereof so disposed of shall not be excluded while determining the ceiling area, to be held by him in this State”.

Mrs. Rajsree and Mr. Renjith have challenged the above mentioned Legislation. Decide the Constitutionality of the aforementioned legal provision.

- Q.3 The Goa Exhibition of Films on Television Screen through Digital Storages Regulation Act, 2019 (hereinafter called Act), an Act passed by the Goa State Legislature based on Entry 33 of List II. (10)

Section 9 of the Act required that every person keeping a Video Library licensed under this Act, shall in respect of each film in his possession, produce when demanded by an officer authorised by the Government in this behalf, a letter of consent got from the first owner of the copy right of such film under the Copy Right Act or from its assignee there under. The object sought to be achieved by the State Legislature by enacting the Act, as declared in its Preamble, is the regulation in State of Goa of the exhibition of films on television through digital storages.

Section 10 of the Act reads as follows:

“No person licensed under this Act for keeping a video library shall sell, let to hire, distribute, exchange or put into circulation in any manner whatsoever any film other than a film which has been certified as suitable for publication by the authority constituted under Section 4 of the Cinematograph Act, and which, when exhibited, displays the prescribed mark of that authority, and has not been altered or tampered with in any way since such mark was affixed thereto”.

Digital World Cinemas challenged Sections 9 and Section 10 of the Act before the High Court as it is *ultra-vires* to the legislative competence on the part of the legislature. The High Court held that the provisions enacted by the State Legislature is on copy right, the subject in List I of Seventh Schedule and is beyond the legislative power of the State.

Entry 33, List II: - “Theaters and dramatic performances; cinemas subject to the provisions of Entry 60 of List I; sports, entertainments and amusements”

Entry 60, List I:-“Sanctioning of Cinematograph films for exhibition”

Entry 49, List I: - “Patents, inventions and designs; copy right; trade- marks and merchandise marks”.

The Government of Goa filed an appeal before the Supreme Court of India. Decide the appeal.

- Q.4 Discuss the main features of Panchayati Raj System in India with reference to Constitution (Seventy-third Amendment) Act, 1992. (10)

- Q.5 a) Explain the Gandhian concept of Gram Swaraj. Discuss Gandhiji's expression “woman must be the true helpmate of man in the mission of service” and evaluate the aforementioned expression with the current status of women in India. (5x2= 10)
- b) Hotels & Restaurants Association of India (HRAI), who are engaged in, or associated, with the hotel industry in India challenged the Constitutional validity of the Expenditure-Tax Act passed by the Parliament. The Act envisages a tax at 10 percent on ‘chargeable-expenditure’ incurred in the class of hotels wherein “room-charges” for any unit of residential accommodation are Rupees four

hundred per day per individual. The 'chargeable-expenditure' as defined in Section 5 of the Act include expenditure incurred in or payments made in such class of hotels in connection with the provision of any accommodation, residential or otherwise, food or drink whether at or outside the hotel; or for any accommodation in such hotel on hire or lease; or any other services envisaged in that section. However, any expenditure incurred in or paid for in "foreign exchange" or by persons who enjoy certain diplomatic privileges and immunities is exempted.

The Act was challenged on grounds of lack of legislative competence.

Relevant Entries of 7th Schedule are:

List I

Entry 60- Sanctioning of cinematograph films for exhibition.

List II

Entry 55- Theatres and dramatic performances; cinemas subject to the provisions of Entry 60 of List I; sports, entertainments and amusements.

Entry 62- Taxes on entertainments and amusements to the extent levied and collected by a Panchayat or a Municipality or a Regional Council or a District Council.

Union of India seeks to sustain the legislative competence on the ground of 7th Schedule. Decide the dispute.
