

**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

Course: Constitutional Bodies  
Semester- II (Batch: 2023-24)

End Semester Examination: April 2024 (LL M)

Date: 23<sup>rd</sup> April, 2024

Duration: 3 hours

Max. Marks: 50

**Instructions:**

- Read the questions properly and write the answers in the given answer book.
- Do not write anything on the question paper.
- 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: 900-1000 words, 5 Marks: 500-600 words.

<b>Part: A</b>		<b>Marks</b>
<b>(Answer any three questions)</b>		
Q.1	What is Anti-Defection Law? What are the major flaws in the said law? Evaluate the role of Judiciary in addressing those flaws.	(10)
Q.2	Explain the following statements: a) In case of conflict between fundamental rights and Parliamentary privileges, which shall prevail? b) The power of raising money by tax or loan and authorizing expenditure belongs exclusively to the Lok Sabha.	(10)
Q.3	Article 200 of the Indian Constitution outlines the process for a Bill passed by the Legislative Assembly of a State to be presented to the Governor and Article 201 outlines the process when a Bill is reserved for the consideration of the President. Explain the procedure laid down in the above articles in the light of the Supreme Court judgement in <i>State of Punjab v. Principal Secretary to the Governor of Punjab</i> decided in the year 2023.	(10)
Q.4	Explain the procedure for the removal of Supreme Court judges. Do you think that the said procedure is impractical and outdated? Justify your answer with the help of Supreme Court cases and various impeachment process initiated against the judges of the higher judiciary.	(10)

**Part: B**

**(Answer any two questions)**

Q.5	The fictional country of 'Sylvana', which is a union of states and mirrors India's federal democratic republic system with a similar constitution. Amidst escalating tensions and violence, the Legislative Assembly of Sylvana finds itself in a state of disarray. In recent months, the country has seen a surge in political unrest, with protests turning increasingly violent and widespread. Efforts to maintain law and order have been met with resistance, and the government's ability to govern effectively has been severely compromised. In the wake of rising chaos and the inability of the state government to restore order, the Governor of Sylvana has written a letter to the President, urgently requesting the imposition of President's Rule under Article 356 of the Constitution. The situation has reached a critical juncture, and the Governor, after consulting with legal experts and assessing the gravity of the circumstances, believes that the imposition of	(10)
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President's Rule is imperative to restore stability and ensure the safety and security of the citizens of Sylvania.

Examine the authority granted to the President of 'Sylvania' to declare a state of emergency and analyze the effects of such a proclamation on governmental operations and rights of the Citizens. Support your analysis with pertinent legal precedents established by Indian courts.

- Q.6 In the context of an upcoming general election in India, the Election Commission faces numerous challenges, including managing the electoral process, ensuring transparency, and addressing allegations of voter fraud. Amidst increasing concerns about electoral integrity, the Election Commission decides to implement stringent measures such as voter identification requirements and increased monitoring of polling stations. However, political parties criticize these measures as overly restrictive and claim they could disenfranchise certain groups of voters. Additionally, there are accusations of political bias against the Election Commission, with some parties alleging favouritism towards others in the enforcement of electoral rules. (10)

In the light of the scenario described above, discuss the powers and functions of the Election Commission of India. How does the Election Commission balance its mandate to ensure free and fair elections with the need to maintain impartiality and address allegations of political bias? Discuss relevant judgements to substantiate your answer.

- Q.7 John, a convict, has been found guilty of committing a heinous crime, the brutal murder of three members of a family. The trial court, after due process, sentenced John to life imprisonment. Despite exhausting all legal remedies, including appeals to higher courts like the High Court and the Supreme Court, John's conviction and sentence remained upheld, indicating the gravity and certainty of his guilt. (10)

In the wake of his failed appeals, John petitions for clemency to the President. He seeks either a pardon, which would absolve him of the crime and its consequences entirely, or a commutation of his sentence, which would reduce his punishment from life imprisonment to a shorter term.

Meanwhile, various stakeholders, including the surviving members of the victims' families and civil society groups, express outrage at the prospect of John receiving any leniency. They argue that the severity and premeditated nature of John's crime warrant full enforcement of the judicially imposed sentence.

As John's petition for clemency reaches the executive, it raises profound questions about the scope and limits of executive power in matters of criminal justice.

Discuss the nuanced differences between the power of pardon vested in the President under the Constitution and the government's power of remission under Section 432 of the CrPC. Substantiate your answer with relevant judgements.

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