

# Printout

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**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

Course: **Constitutional Bodies**

Semester-II (Batch: 2013-14)

**End Term LL.M. Examination: May-June 2014**

**Date: 28<sup>th</sup> May, 2014**

**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 any thing 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.
- **Constitution of India Bare Act is not allowed.**

**Answer any seven Questions.  
All questions carry equal marks.**

**Marks  
(7x10  
=70)**

Q.1 What is meant by the theory of Separation of Powers? Do you agree with a view that the theory of Separation of Powers cannot be put into practice without adopting a system of Checks and Balances? Has the Indian Constitution adopted the theory of Separation of Powers with Checks and Balances?

Q.2 Define the term Executive Power. To what extent the Executive Power of the Union and the State extends? Discuss this with the help of provisions from the Constitution of India.

Q.3 "The President of India is the formal head of the Central Executive. The real Executive Powers of the Centre are vested in the Council of Ministers headed by the Prime Minister". Discuss. Are there any exceptional circumstances in which the President might have to exercise his individual judgment?

Q.4 In one of the landmark judgments the Division Bench of the Supreme Court of India differed with respect to the effect of lapse of an Ordinance. According to one judge 'the consequences flowing from the Ordinance are of enduring nature unless reversed by the Parliament'. The other judge was of the view that 'any enduring consequences beyond the life of the Ordinance can only be brought about by Legislation. The effect of an Ordinance cannot last beyond its life-time.' Which one of the views do you support and explain with reasons?

Q.5 a) Shri Prakash Singh was appointed as a Minister in the Central Government on the advice of the Prime Minister Shri Manohar Singh on 9-9-2012. At the time of his appointment as a Minister, he was not a Member of either house of the Parliament. After his appointment Prakash Singh failed to become a member of either house of Parliament within a period of six months and therefore, he submitted his resignation from the Council of Ministers on 8-3-2013. During the same *Lok Sabha*, the term of Shri Manohar Singh was replaced as Prime Minister by Shri Mahendra Sodi. On the advice of Mahendra Sodhi, Prakash Singh who had not been elected as a Member of the *Lok Sabha* even then was once again appointed as a Minister w.e.f. 23-11-2013. (2x5=10)

A petition was filed before the Supreme Court of India challenging the re-appointment of Shri Prakash Singh as a Minister. Decide the petition.

- b) Effect of dissolution of *Lok Sabha* on a Bill pending in the Parliament.
- Q.6 Discuss the limitation, if any on the Pardoning Power of the President.
- Q.7 Answer the following: (2x5=10)
- a) Situations in which a seat becomes vacant in Parliament
  - b) Distinguish between President's and Governor's Power to Assent a Bill
- Q.8 Critically evaluate the procedure for the appointment of the judges in the Supreme Court of India.
- Q.9 Write short notes on the following: (2x5=10)
- a) Contempt of Court
  - b) Anti-Defection Law
- Q.10 Describe the procedure for the removal of a judge of the Supreme Court of India.

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