

**B.A., LL.B. (Hons.) DEGREE FOURTH SEMESTER EXAMINATION,**

**JANUARY 2021**

**CONSTITUTIONAL LAW 1**

**Duration: 10.00am - 12.30 pm**

**Maximum Marks: 30**

**Answer All questions. Each question carry Six marks (5\*6 =30 Marks)**

**Question 1 (Time 10 a.m-10.30 a.m (20 minutes for writing and 10 minutes for uploading)**

1. a) Critically evaluate whether we have attained the noble goals enshrined in the Preamble.

**OR**

b) What do you mean by distribution of legislative powers in a federal constitution? Discuss the various doctrines developed by the judiciary in this respect.

**Question 2 Time 10.30 a.m-11.00 a.m (20 minutes for writing and 10 minutes for uploading)**

2. a) Distribution of Powers in Indian Constitution favours the Centre. Comment.

**OR**

b) "...trade, commerce and intercourse throughout the territory of India shall be free" Comment. How far the incorporation of GST has effect on Indian federalism?

**Question 3(Time 11.00 a.m-11.30 a.m (20 minutes for writing and 10 minutes for uploading)**

3. a) Critically evaluate the decision in *Kihoto Hollohan v. Zachithu* (AIR 1993 SC 412). Discuss the current settled position in this context by evaluating the constitutional provisions.

**OR**

b) AK, an MLA was arrested at his Kanpur residence under a warrant issued by the Speaker of Legislative Assembly for contempt of the House. He was flown to Lucknow and there he was kept in a hotel in Speaker's custody. Decide the validity of action taken by Speaker.

**Question 4((Time 11.30 a.m-12.00 p.m (20 minutes for writing and 10 minutes for uploading)**

4. a) “Abolition of post of Election Commissioners does not amount to infringement in the independence of Election Commission”. Discuss this in the context of role of judiciary in interpreting the concept of Elections and Election Commission with special reference to the decision in *S.S. Dhannoa v. Union of India* (AIR 1991 SC 1745).

**OR**

b) An Assistant in the office of the Chief Engineer, P.W.D. was appointed on *ad hoc* basis as Legal Assistant in the office of the Dy. Commissioner. He was later reverted back to his original substantive post. Whether this reversion attract Article 311(2) of the Constitution? Explain in detail

**Question 5(Time 12.00 p.m-12.30 p.m (20 minutes for writing and 10 minutes for uploading)**

5. a) A judge of a High Court was transferred to High court of another state against the wish of the concerned judge but after effective consultation with the Chief Justice of both states. The judge challenged the same since it was done against his wish. Examine the validity of the transfer.

**OR**

b) Explain the peculiar position of Indian Judiciary. How far is its independence maintained? Highlight the constitutional provisions.

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