

4 MAY 2024

NATIONAL LAW UNIVERSITY, JODHPUR

End-Term Examination, April-May 2024

Semester: UG II Semester

Subject: Constitutional Governance-II

Time: 3 Hours

Marks: 100

Instructions

Answer any five questions.

Q.1). "The judgment in *PV Narasimha Rao* has wide ramifications on public interest, probity in public life, and parliamentary democracy. There is a grave danger of this court allowing the error to be perpetuated if the decision were not reconsidered."

Sita Soren v Union of India (2024)

How did the recent pronouncement in *Sita Soren* (2024) ensure the preservation of public interest, probity in public life, and parliamentary democracy, thereby averting the 'grave danger' discussed in connection with the *PV Narasimha Rao v State* (1998) 4 SCC 626?

(Marks 20)

Q. 2). "Once a person is elected Speaker, he is expected to be above parties, above politics. In other words, he belongs to all the members or belongs to none. He holds the scales of justice evenly irrespective of party or person, though no one expects that he will do absolute justice in all matters; because, as a human being he has his human drawbacks and shortcomings. However, everybody knows that he will intentionally do no injustice or show partiality. "Such a person is naturally held in respect by all."

-G.V Mavalankar

To what extent does the existing constitutional framework governing the role and powers of the Speaker within the lower chambers of the Parliament/State legislatures align with the ideal of neutrality and impartiality, as articulated by G.V. Mavalankar?

(Marks 20)

Q.3). Examine in depth the judicial interpretations that have influenced the boundaries and limitations of gubernatorial powers, particularly regarding the assessment of a breakdown of constitutional machinery under Article 356 of the Indian Constitution.

(Marks 20)

Q.4). How do the arguments and legal principles presented in *Supreme Court Advocates-on-Record Association v Union of India* (2016) 5 SCC 1 highlight the inherent tensions and conflicts between the judiciary's autonomy and the executive's prerogative regarding the process of judicial appointments in India?

(Marks 20)

Q.5).How do ambiguities or inconsistencies in the structure, language, or application of India's Anti-defection Law under the Xth Schedule provide avenues for circumvention by relevant constitutional stakeholders, and what implications do these ambiguities have for the law's efficacy in addressing defection?

(Marks 20)

Q.6). What are the unique challenges posed by Social Action Litigation (SAL) that have prompted the adoption of extraordinary procedures to pursue remedies beyond the traditional confines of adversarial litigation, and how do these challenges redefine the roles of legal practitioners and judicial decision-makers?

(Marks 20)



4 MAY 2024

NATIONAL LAW UNIVERSITY, JODHPUR

End-Term Examination, April-May 2024

Semester: UG II Semester

Subject: Constitutional Governance-II

Time: 3 Hours

Marks: 100

Instructions

Answer any five questions.

Q.1). "The judgment in *PV Narasimha Rao* has wide ramifications on public interest, probity in public life, and parliamentary democracy. There is a grave danger of this court allowing the error to be perpetuated if the decision were not reconsidered."

Sita Soren v Union of India (2024)

How did the recent pronouncement in *Sita Soren* (2024) ensure the preservation of public interest, probity in public life, and parliamentary democracy, thereby averting the 'grave danger' discussed in connection with the *PV Narasimha Rao v State* (1998) 4 SCC 626?

(Marks 20)

Q. 2). "Once a person is elected Speaker, he is expected to be above parties, above politics. In other words, he belongs to all the members or belongs to none. He holds the scales of justice evenly irrespective of party or person, though no one expects that he will do absolute justice in all matters; because, as a human being he has his human drawbacks and shortcomings. However, everybody knows that he will intentionally do no injustice or show partiality. "Such a person is naturally held in respect by all."

-G.V Mavalankar

To what extent does the existing constitutional framework governing the role and powers of the Speaker within the lower chambers of the Parliament/State legislatures align with the ideal of neutrality and impartiality, as articulated by G.V. Mavalankar?

(Marks 20)

Q.3). Examine in depth the judicial interpretations that have influenced the boundaries and limitations of gubernatorial powers, particularly regarding the assessment of a breakdown of constitutional machinery under Article 356 of the Indian Constitution.

(Marks 20)

Q.4). How do the arguments and legal principles presented in *Supreme Court Advocates-on-Record Association v Union of India* (2016) 5 SCC 1 highlight the inherent tensions and conflicts between the judiciary's autonomy and the executive's prerogative regarding the process of judicial appointments in India?

(Marks 20)

Q.5).How do ambiguities or inconsistencies in the structure, language, or application of India's Anti-defection Law under the Xth Schedule provide avenues for circumvention by relevant constitutional stakeholders, and what implications do these ambiguities have for the law's efficacy in addressing defection?

(Marks 20)

Q.6). What are the unique challenges posed by Social Action Litigation (SAL) that have prompted the adoption of extraordinary procedures to pursue remedies beyond the traditional confines of adversarial litigation, and how do these challenges redefine the roles of legal practitioners and judicial decision-makers?

(Marks 20)