

NATIONAL LAW UNIVERSITY, JODHPUR
End Term Examination August-December 2025
Semester: UG III Semester
Subject: Constitutional Law II

Time: 3 Hours

Marks: 100

Instructions:

1. All questions carry equal marks.
2. Attempt five questions.

Q.1). In the State of Maharashtra, the ruling coalition holds a slender majority in the Legislative Assembly. Amid growing internal dissent, several legislators publicly criticise the Chief Minister's leadership, fuelling speculation of impending defections and possible realignment of alliances. In this context, the Chief Minister advises the Governor to convene the Assembly after ten days for the Budget Session, stating that (a) the Appropriation Bill is under finalisation and (b) the disqualification petitions against certain legislators are pending before the Speaker under the Tenth Schedule. He assures the Governor that the government is ready to prove its majority on the floor of the House at the start of the session. The Governor, expressing concern that the delay may "facilitate horse-trading" and allow the government to manipulate the strength of the House, declines to accept the advice. Acting on what he describes as his *constitutional discretion to ensure stable governance*, the Governor prepones the Assembly session by five days and directs that the government must prove its majority immediately. Before the preponed session can take place, the Governor meets twenty opposition members and concludes that the government has already lost the confidence of the House. He thereupon sends a report to the President under Article 356, recommending imposition of President's Rule. On the same day, the Chief Minister submits letters from ten of the alleged "rebel" MLAs reaffirming their support to the government. Despite this, the President issues a Proclamation under Article 356 and suspends the Assembly.

The actions of the Governor in (i) preponing the Assembly session, and (ii) reporting to the President under Article 356, along with the validity of the President's Proclamation, are challenged before the Supreme Court, where you are one of the judges. Decide.

(Marks 20)

Q.2). Over the past decade, several instances have arisen where Speakers of Legislative Assemblies have been accused of acting with political bias in deciding disqualification petitions under the Tenth Schedule. In some cases, Speakers have deferred decisions for months, while in others, they have issued swift disqualification orders against opposition members. These developments have reignited debate on whether the Speaker, as a political figure belonging to the majority party, can be entrusted with a quasi-judicial function that directly affects the composition of the legislature.

Amidst this controversy, the Union Government has referred the matter to the Law Commission of India to re-examine the constitutional design of the disqualification mechanism and to recommend whether the authority to decide questions of defection should remain with the Speaker or be vested in an independent body. As Chairperson of the Law Commission of India, evaluate whether the existing framework under Paragraph 6 of the Tenth Schedule, which vests the power of deciding disqualification in the Speaker, ensures impartiality, transparency, and institutional credibility. Based on constitutional principles and legislative

experience, recommend whether the Speaker should be retained as the adjudicating authority or whether an alternative independent mechanism should be proposed.

(Marks 20)

Q.3). How did the constitutional requirement of “consultation with the Chief Justice of India” in the matters of appointment of Judges to the Supreme Court come to be interpreted as concurrence with the Chief Justice’s opinion? Was this concurrence understood to be absolute, and what political events or circumstances influenced the development of this interpretation?

(Marks 20)

Q.4). You have been appointed as *Amicus Curiae* by the Supreme Court in a case challenging the repeated re-promulgation of ordinances by the Governor of Gujarat. The Court seeks guidance on the current position of law regarding the constitutional validity of such ordinances.

Advise the Court on how the law addresses the endurance of rights affected by ordinances, the legitimacy and limits of repeated re-promulgation of the same ordinance without legislative approval, and the scope of judicial review over the Governor’s satisfaction and the ordinance-making process.

(Marks 20)

Q.5). Critically assess the constitutional, administrative, and political implications of the *One Nation, One Election* proposal in India. What challenges would the 129th Constitutional Amendment Bill face in aligning simultaneous elections for the Lok Sabha and State Legislative Assemblies with the principles of federalism, separation of powers, and democratic representation?

(Marks 20)

Q.6). How did the Supreme Court’s decision in *S.R. Bommai v. Union of India*, (1994) 3 SCC 1, strengthen judicial checks on the exercise of executive discretion, and how have later judicial decisions reinforced or expanded these constraints?

(Marks 20)