

**GUJARAT NATIONAL LAW UNIVERSITY  
SILVASSA CAMPUS**

**Course: Constitutional Law II  
Semester- IV (Batch: 2024-29)**

**End Semester Examination: Oct-Nov 2025**

**Date: 27<sup>th</sup> October, 2025**

**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: 700 - 800 words, 5 Marks: 350 - 400 words.

**Part A**

Answer any **four** of the following questions.

- |  | <b>Marks</b> |
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| <p>Q. 1 A three-judge Supreme Court bench's decision in the case of <i>Shatrughan Chauhan &amp; Anr v. Union of India</i> on January 21, 2014, signalled a dramatic shift in India's body of precedent regarding the death penalty. In this case, the Supreme Court addressed the inordinate delays in executing death sentences due to prolonged disposal of mercy petitions. The death sentence of all 15 convicts was commuted to life imprisonment due to certain supervening factors. The Court also laid down guidelines to protect the right to life and personal liberty of death-row prisoners.</p> <p style="margin-left: 40px;">(a) What were the supervening factors alleged by the parties as basis of commutation of death sentence to life imprisonment?</p> <p style="margin-left: 40px;">(b) What were the guidelines laid down by the Court to safeguard the interests of death row victims?</p>   | (3 + 7)      |
| <p>Q. 2 Article 102 of the Indian Constitution outlines the disqualifications for being elected as a member of either House of Parliament. A person shall be disqualified if they hold any office of profit under the Government of India or any State, except for offices declared by law not to disqualify its holder. The concept of 'office of profit' is borrowed from the UK, however, the same is not clearly defined in any statutory law in India. The test for determining whether a person holds an office of profit has been developed through various Court judgments.</p> <p>Discuss the tests laid down for determining 'office of profit' through any five judgments of the Supreme Court of India.</p>  | (10)         |
| <p>Q. 3 The appointment of judges to High Courts and Supreme Court in India has been in the spotlight in the last decade, following the NJAC Act 2014 passed by the government to change the process, but subsequently nullified by the Supreme Court. The appointment and transfers of judges in the higher judiciary is now regulated by the Collegium system. The Collegium system has evolved through three major judgements of the Supreme Court (1981, 1993, 1998), known collectively as the Three Judges Cases. Many advancements have since taken place in an attempt to streamline the appointment of judges in India.</p> <p style="margin-left: 40px;">(a) What were the amendments introduced by The Constitution (Ninety-ninth Amendment) Act, 2014?</p> <p style="margin-left: 40px;">(b) What was the majority decision in <i>Supreme Court Advocate on Record Association v. Union of India (2015 SC)</i>?</p> <p style="margin-left: 40px;">(c) What are your views on the Collegium system? What can be the way forward to streamline judicial appointments in India?</p> | (2 + 4 + 4)  |

- Q. 4 Article 301 guarantees the right to conduct trade and commerce freely throughout India, except for the provisions in Part XIII of the Constitution. The dimensions of this freedom of trade and commerce have always been contested and stretched, be it to examine if the word 'free' in Article 301 means freedom from regulation, or to assess nature of taxes levied to determine if they constitute a 'restriction' permitted by the constitution or not. (10)

Discuss any three landmark judgments of the Supreme Court on the dimensions of restrictions on freedom of trade and commerce in India.

### Part B

Answer any **two** of the following questions.

- Q. 5 *Krishna Kumar Singh & Anr v. State of Bihar (2017 SC)* is a landmark judgment on the constitutional validity of repromulgation of ordinances. In his judgment, Hon'ble Justice DY Chandrachud lays down various tenets on the nature of this extraordinary power, such as the extent of judicial review or the applicability of the theory of enduring rights. (05)

Briefly discuss the principles laid down in this judgment vis-à-vis Ordinance making power of the Executive under the Constitution of India.

- Q. 6 The Election Commission has opined that 'qualifications' and 'disqualifications' for membership of Parliament and State legislatures are two different concepts and lack of qualification would not tantamount to disqualification *per se*. Therefore, the law provides qualifications and disqualifications separately. (05)

List down any three Constitutional and three statutory disqualifications for membership of the Parliament and State Legislatures.

- Q. 7 In the early years of enactment of the Constitution, the extent of power to amend the Constitution, especially amendments that abridged Fundamental Rights, was uncertain. The Courts drew a distinction between ordinary law under Article 13 and Constitutional law under Article 368 of the Constitution. (05)

Trace the journey of the power to amend Fundamental Rights in the earlier years of the Constitution from *Shankari Prasad Singh v. Union of India AIR 1951 SC 458* to *I.C. Golak Nath v. State of Punjab, AIR 1967 SC 1643*.

### Part C

Answer any **two** of the following questions.

- Q. 8 Times are not static. Times change and, therefore, the life of a nation is not static but dynamic, living and organic; its political, social and economic conditions change continuously. It is quite possible that a constitution drafted in one era, and in a particular context, may be found inadequate in another era and another context. It thus becomes necessary to have some machinery, some process, by which the constitution may be adapted from time to time in accordance with contemporary national needs. (05)

Briefly discuss the formal methods of constitutional amendment in USA, Australia and India.

- Q. 9 People's Union of Civil Liberties (PUCL) is a human rights organisation that defends and promotes civil liberties and democratic way of life in India. One of its major areas of (05)

action is filing petitions in the local courts, High Courts or even Supreme Court of India. Free and fair elections are an essential facet of any democracy; the right to vote is a core civil liberty that must be fully enjoyed by each citizen of India.

Briefly discuss two cases filed by PUCL in the Supreme Court that assisted in introduction of important electoral reforms in the country.

- Q. 10 In *ADM Jabalpur v. Shivkant Shukla AIR 1976 SC 1207*, referring to powers of the State in an emergency, the Court noted – “Liberty is itself the gift of the law and may by the law be forfeited or abridged. ... (Thus) in period of public danger or apprehension, the protective law which gives every man security and confidence in times of tranquillity have to give way to interests of the State.” However, Justice H.R. Khanna disagreed and asserted that the State has got no power to deprive a person of his life or liberty without the authority of law; without such sanctity of life and liberty, the distinction between a lawless society and one governed by laws would cease to have any meaning. (05)

Discuss the minority opinion of Justice H.R. Khanna in this case.

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