

**GUJARAT NATIONAL LAW UNIVERSITY
SILVASSA CAMPUS**

Course: **Constitutional Bodies**
LL M Semester- II (Batch: 2024-25)

End Semester Examination: April-May 2025

Date: 21st April, 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

(Attempt any four questions)

- | | Marks |
|---|-------------------|
| <p>Q.1 The Lok Sabha passes the National Education Reform Bill, 2025 and sends it to the Rajya Sabha. After being laid before the Rajya Sabha, the Bill is debated, and various amendments are proposed. However, even after 7 months, the Rajya Sabha neither passes the Bill nor rejects it.</p> <p>Considering the above situation, answer the following:</p> <ol style="list-style-type: none"> a) Can a joint sitting of Parliament be summoned in this scenario? Justify your answer with reference to relevant constitutional provisions. b) What restrictions are placed on the scope of discussion during a joint sitting of Parliament regarding amendments under Article 108(4) of the Indian Constitution? c) Meanwhile, if the Lok Sabha elections are announced, and the House is dissolved before the Bill could be reconsidered, then what would be the effect of dissolution of the Lok Sabha on a Bill pending between the two Houses? | <p>(4+4+2=10)</p> |
| <p>Q.2 The Supreme Court has time and again highlighted that <i>“the concept of independence of the judiciary is a noble concept which inspires the Constitutional scheme and constitutes the foundation on which rests the edifice of our democratic polity.”</i> Thus, the process of appointing judges plays a pivotal role in maintaining this independence and ensuring the integrity of the judiciary.</p> <p>Discuss the procedure for the appointment of judges to the Supreme Court of India. Critically evaluate whether the current collegium system strikes the right balance between transparency, accountability, and judicial independence. In light of judicial pronouncements, assess whether reforms are necessary to address concerns of transparency and executive exclusion in the appointment process.</p> | <p>(10)</p> |
| <p>Q.3 In the State of Sahyadri, a regional party named Jan Chetna Party (JCP) wins 38 out of 70 seats in the State Legislative Assembly and forms the government with the support of 4 independent MLAs. Six months later, 5 MLAs from JCP publicly declare support for the opposition party, attend their rallies, and vote against the government in a no-confidence motion. The JCP files a disqualification petition before the Speaker under the Tenth</p> | <p>(10)</p> |

Schedule. Meanwhile, the opposition claims that these 5 MLAs have only exercised their freedom of expression and have not formally joined any other party.

Answer the following questions based on the above scenario:

- a) Whether these 5 MLAs are liable to be disqualified under the Anti-Defection Law?
- b) What is the role of the Speaker in this situation? Is the Speaker's decision subject to judicial review?

- Q.4 In *Sub-Committee on Judicial Accountability vs. Union of India*, the Supreme Court stated that "prior proof of misconduct in accordance with the law made under Article 124(5) is a condition precedent for the lifting of the bar under Article 121 against discussing the conduct of a Judge in Parliament." (10)

Against this backdrop, critically examine the constitutional mechanism for the removal of judges as established under the Judges (Inquiry) Act, 1968, with specific reference to the impeachment proceedings initiated against judges of the Supreme Court. Do you consider that the current mechanism is impractical and outdated, particularly given that no judge in India has ever been removed after completing this process? Justify your answer with reference to constitutional provisions and relevant cases.

- Q.5 Write short notes on the following: (5+5=10)
- a) Lack of qualification would not tantamount to disqualification of a Member of Parliament.
 - b) Supreme court as a Court of Record.

Part: B
(Attempt all questions)

- Q.6 Indica is a country in South Asia with laws *pari materia* to India. The Budget Session of the Parliament of Indica began on 1st February 2025. On 2nd February 2025, the Union Government of Indica passed a new Act called Appointment of Academic Staff in Universities Act 2025 (hereinafter "Central Act"). Section 4 of the Central Act stated that the Vice-Chancellors of the Universities including Central Universities and State Universities are to be appointed by a Selection Committee consisting of the following members: (10)
- a) a nominee of the Visitor/Chancellor, who shall be the Chairperson of the Selection Committee.
 - b) a nominee of the Chairman, University Grants Commission.
 - c) a nominee of the apex body of the university such as Syndicate/ Senate/Executive Council / Board of Management/ Equivalent Body of the University.

The Central Act came into force on 2nd February 2025.

The southernmost state in Indica is the State of Klingon. The Government of Klingon did not agree with the Union Government's new Central Act. Therefore, it decided to pass a new law related to appointment of Vice Chancellors of the state universities on the ground that it violates the federal structure of the Constitution of Indica. The new session of Legislative Assembly of Klingon was to start on 10th February 2025. On 6th February

2025, the Governor of Klingon Mr. Spock on the aid and advice of Government of Klingon promulgated Appointment of Academic Staff in Universities in Klingon Ordinance 2025 with immediate effect. Under the Section 5 of the Ordinance, the Vice-Chancellors of the Universities including Central Universities and State Universities in the State of Klingon are to be appointed by a Selection Committee consisting of the following members:

- a) a nominee of the Governor of Klingon, who shall be the Chairperson of the Selection Committee.
- b) a nominee of the Government of Klingon.
- c) a nominee of the apex body of the university such as Syndicate/ Senate/Executive Council / Board of Management/ Equivalent Body of the University.

However, Mr. Spock did not take the assent of the President before promulgating the Ordinance citing that the ordinance was a necessary measure and there was not sufficient time to receive the Presidential assent.

On 9th February 2025, the President removed Mr. Spock as the Governor of Klingon on the ground of misconduct and appointed Mr. N. R. Saavi as the Governor of Klingon. On 10th February 2025, the Legislative Assembly of Klingon passed Appointment of Academic Staff in Universities in Klingon Ordinance 2025 and sent it for the assent of the Governor, Mr. N.R. Saavi. Since the Ordinance did not receive the Presidential assent before promulgation, Mr. N.R. Saavi refused to give assent to the Ordinance.

Aggrieved by the actions of Mr. N.R. Saavi, the Government of Klingon filed a writ petition before the Supreme Court of Indica on 20th February 2025. It alleged that removal of Mr. Spock as Governor was unconstitutional and therefore, he must be reappointed as the Governor of Klingon. Furthermore, it was alleged that refusal to grant assent to the Ordinance by Mr. N.R. Saavi is an unconstitutional practice in the light of the Supreme Court decisions.

On the other hand, Mr. N.R. Saavi questioned the *locus standi* of the Government of Klingon on behalf of Mr. Spock. Furthermore, he justified his refusal to give assent to the Ordinance by stating that the promulgation of the Ordinance by Mr. Spock without the Presidential assent was a fraud on the Constitution of India.

As an Academician, please provide your comments on the situation in Klingon and the petition by Government of Klingon. Further suggest recourses that the Supreme Court could take to resolve the dispute.
