BLOGS

Practice Questions from Important Judgments for CLAT PG

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Passage 1:

Indian federalism, as enshrined in Part XI and the Seventh Schedule, embodies a cooperative yet Union centric model, distributing legislative powers across Union, State, and Concurrent Lists while allowing for asymmetric arrangements in union territories. The Supreme Court's ruling in Government of NCT of Delhi v. Union of India (2023) addressed longstanding disputes over executive control in the National Capital Territory (NCT), holding that the Delhi Legislative Assembly possesses legislative and executive authority over services, excluding three reserved domains: public order, police, and land (Entries 1, 2, and 18, List II).

A five judge bench, led by Chief Justice D.Y. Chandrachud, clarified that Article 239AA (69th Amendment, 1991) mandates the Lieutenant Governor (LG) to act on the aid and advice of the Council of Ministers, not as an independent authority, thereby curbing Union encroachments and reinforcing democratic governance in Delhi.

This decision overruled aspects of prior conflicts, emphasizing that the Centre's role under Article 239 is facilitative, not supervisory, and highlighted frictions in bureaucratic transfers via Article 312's All India Services. Complementing this, the 2024 judgment in Mineral Area Development Authority v. Steel Authority of India Ltd. underscored fiscal federalism by affirming states' taxing powers on mineral bearing lands.

The seven judge bench ruled that royalties under the Mines and Minerals (Development and Regulation) Act, 1957, are contractual considerations, not taxes, allowing states to impose cesses on land revenue from mining activities (Entry 49, List II). This resolved a 25 year pendency, distinguishing royalties (Union regulatory) from state taxes, and invalidated Jharkhand's 2014 amendment only insofar as it taxed minerals directly, preserving cooperative resource management.

Critics argue these rulings expose “asymmetric federalism’s” vulnerabilities, favoring national security over local autonomy, as in Puducherry or post Article 370 Jammu & Kashmir. Proponents praise them for judicial arbitration in revenue sharing, influencing renewable energy leases where states seek cesses on solar royalties.

Overall, these verdicts navigate central overreach, promoting balanced intergovernmental coordination amid evolving economic pressures.

Source: Government of NCT of Delhi v. Union of India, (2023) 9 SCC 1

Question 1: Inferring from NCT Delhi’s delineation of reserved domains and Article 312 frictions, a Union directive mandating centralized transfers of health service officers in Delhi would likely be:

- A) Upheld as inherent to All India Services, overriding Article 239AA’s ministerial advice mandate.
- B) Struck down for encroaching on NCT’s executive domain over non reserved services, reinforcing cooperative federalism.
- C) Valid only if ratified by the LG independently, per asymmetric arrangements.
- D) Non justiciable, as federal bias permits Union supremacy in bureaucratic matters.

Question 2: The Mineral Area ruling’s distinction between royalties and taxes, when applied to a state cess on wind energy royalties, would analytically support:

- A) Central invalidation under Entry 52, List I, as royalties remain contractual and Union regulated.
- B) State competence via Entry 49, List II, provided the cess targets land revenue, not mineral extraction per se.
- C) Uniform national prohibition to avoid fragmented fiscal policies.
- D) Judicial deference to executive allocation, absent basic structure violation.

Question 3: Critically synthesizing both judgments, a challenge to a UT law on green hydrogen subsidies conflicting with national energy policy would invoke:

- A) NCT like scrutiny under Article 239, balancing local legislative competence against facilitative Union role.
- B) Absolute Union override via concurrent list dominance, negating asymmetric autonomy.

- C) Automatic presidential assent requirement, bypassing assembly processes.
- D) Exclusion from federalism principles, treating UTs as mere administrative extensions.

Question 4: From the 2023 verdict's overruling of prior tensions, the LG's facilitative role under Article 239 implies that withholding assent to a Delhi bill on urban planning (non reserved) constitutes:

- A) Legitimate discretion to safeguard national interests in the capital.
- B) A federal overreach violative of democratic governance, warranting mandamus for ministerial compliance.
- C) Valid reservation for President under Article 201, without time constraints.
- D) Non reviewable executive function, insulated from Article 14 arbitrariness tests.

Question 5: Evaluating critics' "asymmetric federalism" concerns post Article 370, the rulings collectively underscore judicial arbitration's role in:

- A) Perpetuating Union bias by limiting state like powers in resource and territorial disputes.
- B) Centralizing all UT governance, rendering cooperative models obsolete.
- C) Harmonizing vulnerabilities through revenue sharing precedents, extending to emerging sectors like renewables.
- D) Prioritizing security over autonomy, without scope for evolutionary reforms.

Passage 2:

We have noticed that while making a law is ordinarily a power with the legislative branch, and being a power, it cannot be compelled by a Court, the making of law may be a constitutional imperative. In the context of Article 326, making of law as contemplated in Article 326, was an unavoidable necessity.

Realising that the statutory framework was necessary to breathe life into Article 326 and which was not to be incongruous with this command, Parliament enacted the 1950 Act and the 1951 Act. The first General Election followed.

Making of law by Parliament as provided for in Article 146 and Article 229, dealing with conditions of service of employees of the Supreme Court and the High Court respectively, was and is a sheer power and enabling provision. The context and the purpose signal no imperative need.

No intention to indeed peremptorily provide for a law as is discernible in the case of appointment of the members of the Election Commission of India pervades the Articles. The vacuum in the case of Article 324(2) is the absence of the law which Parliament was contemplated to enact.

Political parties undoubtedly would appear to betray a special interest in not being forthcoming with the law. The reasons are not far to seek. There is a crucially vital link between the independence of the Election Commission and the pursuit of power, its consolidation and perpetuation.

As long as the party that is voted into power is concerned, there is, not unnaturally, a near insatiable quest to continue in the saddle. A pliable Election Commission, an unfair and biased overseer of the foundational exercise of adult franchise, which lies at the heart of democracy, who obliges the powers that be, perhaps offers the surest gateway to acquisition and retention of power.

The values that animated the freedom struggle had to be brought home to a new generation through the insertion of the provision relating to fundamental duties. Criminalisation of politics, a huge surge in the influence of money power, and the role of certain sections of the media where they appear to have forgotten their invaluable role and have turned unashamedly partisan call for the unavoidable and unpostponable filling up of the vacuum.

Even as it is said that justice must not only be done but seen to be done, the outpouring of demands for an impartial mode of appointment of the Members require, at the least, the banishing of the impression that the Election Commission is appointed by less than fair means.

Source: Anoop Baranwal v Union of India, (2023) 5 SCC 210

Q6: The Supreme Court in *Anoop Baranwal* struck down the 2023 Act primarily because:

- A) It ignored the 42nd Amendment provisions
- B) It infringed Article 19(1)(a) freedom of speech
- C) It delegated judicial powers to Parliament
- D) It violated Article 324(2) by allowing executive dominance over the Election Commission

Q7: The interim committee mandated by the Court included which of the following, and what was its primary function?

- A) Prime Minister, Leader of Opposition (or largest opposition party leader), Chief Justice of India; to ensure impartiality in appointments
- B) Chief Election Commissioner and two ECs; to supervise elections
- C) Prime Minister, Speaker, Attorney General; to draft election rules
- D) President, Vice President, Law Minister; to monitor electoral conduct

Q8: Which Articles were central to the Court's reasoning in ensuring independence and non partisanship of the Election Commission?

- A) Articles 32 and 226 only
- B) Articles 16 and 44
- C) Articles 14 and 21
- D) Articles 356 and 370

Q9: Critics argued that the Baranwal ruling resembled judicial legislation because:

- A) The Court created a temporary appointment mechanism without statutory backing
- B) It repealed the Election Commission Act entirely
- C) It limited Parliament's power to amend the Constitutio
- D) It allowed AI surveillance in elections

Q10: Hypothetically applying Baranwal's reasoning, which of the following actions by the executive in independent statutory bodies could be constitutionally challenged?

- A) Unilateral appointments affecting institutional independence
- B) Policy guidance on economic regulations
- C) Allocation of government funds within statutory limits
- D) Issuance of advisory circulars with no binding effect

Answer Key:

Question 1

Correct Answer: B) Struck down for encroaching on NCT's executive domain over non-reserved services, reinforcing cooperative federalism.

Explanation: The *Govt. of NCT Delhi v. Union of India* (2023) judgment reaffirmed that Delhi's elected government has executive control over all subjects except "public order," "police," and "land." Centralized transfers of health officers fall within the *services* domain, which was recognized as under the NCT's executive competence. A Union directive mandating centralized transfers would violate Article 239AA and principles of cooperative federalism.

Question 2

Correct Answer: B) State competence via Entry 49, List II, provided the cess targets land revenue, not mineral extraction per se.

Explanation: In *Mineral Area Development Authority v. SAIL* (2024), the Supreme Court clarified that **royalty** is not a tax but a form of consideration for the right to extract minerals. Thus, if a state imposes a cess related to land or local usage (Entry 49, List II), it is valid. However, if it overlaps with Union-controlled mining or royalties (Entry 54, List I), it would be invalid. For a cess on wind energy royalties, the state can justify competence if it is structured as a land-based levy.

Question 3

Correct Answer: A) NCT-like scrutiny under Article 239, balancing local legislative competence against facilitative Union role.

Explanation: A UT law on green hydrogen subsidies conflicting with national energy policy would trigger an analysis similar to *NCT Delhi (2023)* examining whether the subject lies within the Union or local domain. Courts would balance the UT's legislative competence (under Article 239 or 239AA) with the Union's coordinating role in national policy, promoting *collaborative, not hierarchical*, federalism.

Question 4

Correct Answer: B) A federal overreach violative of democratic governance, warranting mandamus for ministerial compliance.

Explanation: The *2023 NCT Delhi* ruling emphasized that the Lieutenant Governor is a constitutional functionary bound by the aid and advice of the Council of Ministers in non-reserved subjects. Withholding assent to a non-reserved urban planning bill would be unconstitutional and undemocratic, justifying judicial direction (mandamus) to ensure compliance with ministerial advice.

Question 5

Correct Answer: C) Harmonizing vulnerabilities through revenue-sharing precedents, extending to emerging sectors like renewables.

Explanation: Post-*Mineral Area* and *NCT Delhi*, the Court has shifted toward reinforcing *federal balance* rather than perpetuating central dominance. While acknowledging asymmetric realities (like UTs and resource control), the rulings promote cooperative mechanisms especially through shared fiscal and policy responsibilities a framework adaptable to sectors like renewable energy.

Question 6.

Correct Answer: D) It violated Article 324(2) by allowing executive dominance over the Election Commission.

Explanation: The Court held that the 2023 law, which replaced the Chief Justice with a Union Minister in the selection committee, violated Article 324(2) of the Constitution. This Article envisions an independent Election Commission free from executive control. The Court found that allowing the executive a majority in the appointment process undermined institutional independence and the principle of free and fair elections.

Question 7.

Correct Answer: A) : Prime Minister, Leader of Opposition (or largest opposition party leader), Chief Justice of India; to ensure impartiality in appointments

Explanation: The Court directed that until Parliament enacts a law, appointments to the Election Commission must be made by a three-member committee consisting of the Prime Minister, Leader of Opposition (or leader of the largest opposition party in Lok Sabha), and the Chief Justice of India. This was to ensure checks and balances and reduce the risk of executive bias in EC appointments.

Question 8.

Correct Answer: C) Articles 14 and 21.

Explanation: The Court linked the independence of the Election Commission to the right to equality (Article 14) and the right to free and fair elections as part of the right to life and personal liberty (Article 21). It held that electoral impartiality is a constitutional guarantee ensuring democracy's survival, as free elections are part of the basic structure.

Question 9.

Correct Answer: A) The Court created a temporary appointment mechanism without statutory backing.

Explanation: While the judgment was praised for protecting institutional independence, critics argued that by creating an interim selection mechanism (involving the CJI), the Court effectively legislated in the absence of a parliamentary law. This raised separation of powers concerns, as the judiciary temporarily filled a legislative void.

Question 10.

Correct Answer: A) Unilateral appointments affecting institutional independence.

Explanation: The Baranwal principle emphasizes institutional autonomy and independence of bodies like the Election Commission, CVC, and CBI. Therefore, any executive action that unilaterally controls appointments or tenure in such bodies could be struck down as unconstitutional for violating the doctrine of separation of powers and undermining impartial governance.