

2019

**CIVIL LIBERTIES AND
JUDICIAL PROCESS**

Paper : 2001

Full Marks : 80

Time : Three hours

***The figures in the margin indicate
full marks for the questions.***

1. The Right to Equality is provided for under the Constitution as a fundamental right wherein the Apex Court has elucidated on the theory of reasonable classification. Discuss the same in the context of Navtej Singh Johar and ors. Vs Union of India, drawing in the aspect of intelligible wherein it held that any ground of discrimination, whether direct or indirect, which is founded on a particular understanding of the role of sex, constitutes discrimination under Article 15.

○ Explain the above statements throwing gloss on the constitutional text and judicial context.

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Contd.

OR

Freedom and liberty are cardinal yardstick to ensure progress and development of a nation. Discuss the same in the context of recent landmark decisions of the apex court.

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2. "Even if it is a part of Hindu religious custom to exclude any particular category from entering the temple, the state has been empowered (by the Constitution) to enact a law to throw open temples to all categories of persons" Justice Chandrachud.

Moving further the apex Court in deciding on the Review petition and other in the Sabarimala case, discuss the fundamental constitutional tenets bearing upon the right to freedom of religion. Discuss the minority judgments delivered by Justice Chandrachud and Justice Nariman.

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OR

The constitution provides for several fundamental right and freedoms. In the context of the above, analyse the seminal judgment in the Ayodha dispute case as decided by the Apex court with regard to issue of right to religion.

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3. While providing for the republic, the framers of the constitution has cast upon the judiciary certain responsibility to ensure a balancing act while promoting the justice delivery system.

Do you feel that the pedestal has only facilitated judicial over reach or has rightly provided for judicial review and the said provision has been amply justified through the working of the higher judiciary? Embellish your answer with reasoned views.

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OR

The Supreme Court has been in the news at present due to certain landmark decisions. Yet, there is critics who observe that the court has been under a lot of stress and strains and needs to restore itself to the days of pristine glory. Reflect with reasons referring to constitutional provisions and constitutional mandates.

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4. Writ jurisdiction has been considered a constitutional mandate which can be taken recourse to for ventilating grievances in the nature of a fundamental right or a legal right. It is considered to provide for an efficacious remedy since the day of coming into force of the constitution. However, it has a history of its own that can be traced to the granting of prerogative writs by the monarch in England.

Attempt an analysis of the various writs or orders in the nature of writs that one could avail with in the country from August 1947 till the coming into being of the Republic.

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OR

Write short notes on **any two** of the following providing specific decisional laws on:

8×2=16

- A) Order in the nature of Prohibition under the specific Relief Act
- B) Writ of Quo Warranto
- C) Writ of Certiorari

5. The founding fathers have given unto the people of the country a constitution that is said to be a living organism. What is the process laid down to so determine its working? Reflect on the above, delving into the constitutional provisions through its text and context. Do you feel changes to be brought about in the schedules to the Constitution require constitutional amendment? If so, what is the procedure to be followed

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OR

Diverse views have been expressed on the nature of the Constitution, primarily based on the manner of its interpretation. Analyse the various provisions facilitating its growth and the modus operandi adopted. Reflect on the amendability process adopted by the legislature as facilitated by the core document and the judicial sheen placed thereon by the Supreme Court from the first amendment through Keshavananda Bharati and thereafter circumscribing your answer to the aspect of social justice.

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