

Total number of printed pages-5

23 (Sem-2) CLJE 2.1

2011

CIVIL LIBERTY AND JUDICIAL PROCESS

Paper : 2.1

Full Marks : 80

Pass Marks : 32

Time : Three hours

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

1. (a) Explain and illustrate the guiding principles of Article 14 and tests for valid classification.
- (b) Discuss exception of Article 14 to Article 15(3) as regards provisions for women and children.
- (c) Discuss the constitutional provision for reservation in services under Article 16(4) of the Constitution of India by referring to case laws.  
4+4+8=16

Contd.

Or

After Maneka Gandhi's case, Article 21 has assumed highly activist magnitude bringing far-reaching consequences in the contemporary constitutional jurisprudence. In the light of the above, discuss the following :

- (a) Personal liberty
- (b) Custodial violence
- (c) Right to livelihood
- (d) Right to die.

4×4=16

2. (a) Write explanatory notes on Religion, Religious denomination, Religious Endowments and doctrine of cypres.

4×2=8

(b) Whether religious freedom is subject to the rights of others and whether religious place can be acquired ?

4×2=8

Or

(a) Discuss the constitutional provisions for protection of the cultural and educational rights of the Minorities.

(b) What is a 'Minority' ? Illustrate your answer suitably by referring to decided case laws including the decision of T.M.A. Foundation Vs. Karnataka, AIR 1994 SC 13.

(c) Whether the decision of the Govt. of India in imposing fine of Rs. 1 crore for charging capitation fees should be extended to all Institutions including Minority Educational Institutions ?

4+10+2=16

3. (a) "The Judiciary is the weakest of the three great departments of the state, it has neither the power of the purse nor the power of the sword, neither money nor patronage on the one hand nor the physical force to enforce the decisions on the other".

Amplify the above statement by giving your cogent views.

(b) How far the Judiciary is independent in India ? Do you suggest some more measures to contain corruption in the Judiciary so as to repose faith of the people in it and to 'guard the guardians' ? Write a few lines on the impeachment of Justice Sourmitra Sen of the Calcutta High Court.

8+8=16

Or

"Judicial Review is the backbone of the Federal Constitutions".

Comment on the above statement from the Constitutions of the U.S.A. and India highlighting the foundation, importance and necessity of Judicial Review by referring to case laws.

Do you think that the courts in the U.S.A. have more powers of exercising Judicial Review than the Indian Courts? 16

4. (a) Discuss in brief the various kinds of Writs that can be issued by the Supreme Court and the High Courts under the Constitution of India.
- (b) Whether the SC or the High Courts exercise more powers in issuing writs and is there any basic difference between Articles 32 and 226 of the Constitution of India? 12+4=16

Or

- (a) Discuss the powers, jurisdiction and limitations in issuing writs by the Supreme Court and the High Courts.

- (b) Discuss the inter-relationship of Articles 32 and 226 of the Constitution of India.

- (c) Who can apply for writ and power of the S.C and H.Cs in entertaining PIL? 8+4+4=16

5. What are the rationale underlying the amendment of the Constitution of India? What are the formal and informal methods of amendment and how they work?

Discuss the procedure for amending the entrenched provisions by citing case laws and show some instances of violation of the said provision by the Central Government. 10+6=16

Or

Discuss the various methods for amending the Constitution of India. Attempt to discuss very briefly the important cases decided by the Supreme Court on amendment starting from the case of Shankari Prasad Singh vs. UOI, AIR 1951 SC 458 till date.

How would you react about the decisions of the Supreme court in evolving the basic feature theory? 12+4=16