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23 (Sem-2) CLJP 2-1

2012

CIVIL LIBERTY AND JUDICIAL PROCESS

Paper : 2-1

Full Marks : 80

Time : Three hours

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

1. Write exhaustive notes on : (any four) $4 \times 4 = 16$
 - (a) Civil Liberty
 - (b) Equality before law
 - (c) Reservation in Services, Art 16(4)
 - (d) Personal liberty
 - (e) Right of women.

Contd.

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Or

Briefly discuss how the Indian Judiciary has given extended dimension in the post Maneka era on the following : $4 \times 4 = 16$

- (a) Right to livelihood
- (b) Ecology
- (c) Right to medical care
- (d) Euthanasia.

2. Write exhaustive note on Right against Exploitation stating the constitutional provisions for ensuring the same.

Briefly discuss with the help of leading cases how the conditions / plights of the forced labour, bonded labour and prostitutes are improved.

$4 + 12 = 16$

Or

Narrate briefly the concept of religious freedom as enshrined in the Constitution of India. Can the state provide financial support to satras of Assam, if so, does it offend religious freedom if satras propagate religion ? $8 + 8 = 16$

3. What do you mean by independence of the Judiciary? Discuss the constitutional provisions for ensuring independence of the Judiciary by referring to decided cases.

Is independence of Judiciary a basic feature? Whether the Supreme Court of India enjoys more powers than Apex Courts in other countries?

$12 + 4 = 16$

Or

Attempt an estimate about Judicial Activism under the Constitution of India.

Discuss the role of the Indian higher courts in asserting Judicial Review to be the basic and essential feature constituting part of its basic structure with the help of decided case laws.

$6 + 10 = 16$

4. (a) Briefly discuss the writ jurisdictions of the higher courts in issuing various writs under the Constitution of India.
- (b) Trace the inter-relationship between Articles 32 and 226 and state also their differences.
- (c) Whether Article 32 can be regulated by law and
- (d) Who can file P.I.L and role of the court in entertaining it? $4 + 4 + 4 + 4 = 16$

Or

Briefly discuss the grounds on which the writ of *Quo warranto* can be issued and rejected. 16

5. (a) Briefly discuss the reasons, necessity or otherwise for amendment of a written constitution.
- (b) What do you mean by constituent and ordinary legislative process for amendment of the Constitution of India?
- (c) Discuss the advantages and disadvantages of formal and informal methods of amendment.
- (d) How the entrenched provisions of the Constitution of India can be amended?
6+3+3+4=16

Or

What do you mean by the basic features/structures of the Constitution of India?

Discuss the various basic structures as evolved by the Supreme Court starting from the case of *Kesavananda Bharati* (AIR 1973 SC 1461) till date. 4+12=16