

2013

LLM

Paper : 2.1

(Civil Liberty and Judicial Process)

Full Marks : 80

Time : 3 hours

The questions are of equal value

Answer any five questions

1. Article 19 of the Constitution of India provides for freedoms that include certain reasonable restrictions. Do you think that these constitutional restrictions have the potential of being misused by the State to further its goals? Evaluate the restrictions by citing judicial decisions highlighting the reasonableness of these restrictions.
2. The apex judiciary has delivered a number of important judgements on the Right to Equality based on classification and reasonableness. Do you find any shift in the judicial thought process in the past 60 years and more? If so, reflect on the causes and processes that have led to such change.

Commerce Point

3. Attempt an exhaustive enumeration on the Right against Exploitation. Trace the history behind insertion of this Right under the Constitution and reflect on the extent of success achieved by referring to judicial decisions.

4. Cultural and Educational Rights are considered significant in the sense that they not only remind us of the rich heritage but of the high moral values that the Indian civilization was witness to. Attempt a critical evaluation of the educational rights of the minorities by drawing upon significant decisional laws on the minority character of educational institutions.

5. Independence of the judiciary has been very zealously guarded over the past few decades making it a matter of curiosity of constitutionalist and academics the world over. Yet the government feels that independence of the judiciary would be better served if the present collegium system is replaced.

Discuss the thought process that is being translated or sought to be translated into action by the way of legislative scrutiny. Reflect on the current process and state whether the proposed changes in the law will further the cause of the independence of the judiciary or lead to its erosion.

6. The scope of judicial review has traversed a long path since the days of Murbarry leading the founding fathers to incorporate the same as a constitutional mandate.

Attempt a critical analysis of the extent of judicial review being applied in India. Bring out the different phases that the country has witnessed in the process of interpretation and application of the relevant provisions.

7. A Constitution is said to be a living organism and in order to grow and sustain itself, there has to be a mechanism in place. Attempt an elaborate analysis of the said mechanism provided for under the Constitution of India.

8. Attempt a critique of the process of constitutional amendment as provided for under the core law of the land. State whether the entrenched provisions have helped or placed a spanner in the process of this organic growth. Refer to judicial renderings to support your views.
