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23 (LLM-2) CLJP 2-1

2014

**CIVIL LIBERTIES AND JUDICIAL
PROCESS**

Paper : 2-1

Full Marks : 80

Time : Three hours

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

1. The Apex judiciary has delivered a number a landmark judgments on the Right to Equality in the past few decades. Analyse *any two* of the aforesaid judgments that have brought about significant change through shift in judicial thought process. Reflect on the causes and processes leading to such change. 16

Or

Article 21 of the Constitution of India is considered to be one of the most important provisions enshrined in the Constitution.

Discuss the scope and ambit of the said constitutional provision. Does the judicial rendering go far enough in providing true meaning to the aforesaid Article? Discuss. 16

2. Attempt an exhaustive enumeration of the Right to Religion. Trace the history behind insertion of the Right under the Constitution and reflect on the extent of success achieved by referring to judicial renderings. 16

Or

Attempt a critical evaluation of the Constitutional provisions relating to Cultural and Educational rights of Minorities by drawing upon significant decisional laws of the Supreme Court. 16

3. The Constitution of India provides for an independent judiciary and this has facilitated it to zealously guard itself. However, the feeling of the state that an independent judiciary should also be made accountable has led to the passing by Parliament of the Accountability Bill.

Elucidate on the above embellishing your answer with your own views as to whether this move will enhance accountability or impose fetters on the judiciary. 16

Or

The Supreme Court of India by virtue of its mandate under Article 13(2) of the Constitution has been able to assert itself, so much so, that it has come to be recognised as one of the most powerful institutions of the world.

Attempt a critical analysis of the extent of judicial review being exercised by the robed men of the highest judiciary by relating the exercise of powers of judicial review vis-a-vis the power of contempt of court. 16

4. Attempt an exhaustive analysis of the historical development of Writ jurisdiction in India.

Or

Attempt a critical assessment of the provision of the writ of Mandamus & Quo Warranto in the functioning of the Supreme Court since independence. 16

5. A constitution is said to be a growing organisation for which a mechanism has to be put in place that does not unduly affect from accommodating the modern day constitutional developments. In what form does the constitution accommodate such a process in our country. Discuss. 16

Or

The provisions of amendment of the core law in the country have received critical acclaim from jurists across national frontiers. Reflect on the process of amendment of the entrenched provisions. Do you feel that they unduly put a Spanner?

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