

Kasimung

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23 (Sem-2) CLJP 2:1

2016

**CIVIL LIBERTIES AND JUDICIAL
PROCESS**

Paper : 2:1

Code : 2001

Full Marks : 80

Time : Three 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 reasonable restrictions of these restrictions.

4+12=16

Contd.

Or

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

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

12+4=16

- 2: 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 bears witness to.

Attempt an evaluation of the educational rights of the minorities by drawing upon significant decisional laws on the minority character of educational institutions.

16

Or

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.

6+5+5=16

3. The Supreme Court of India by virtue of 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 judicial institutions of the world.

Attempt an analysis of the extent of judicial review being exercised by the robed men of the highest judiciary over the years. 16

Or

Independence of the judiciary has been considered as a mandate and a constitutional creed in India, yet there seem to be an impasse that the executive and the judiciary are engrossed over in an effort to implement the decision of the apex court on the appointment of Judges. Attempt an analysis of the situation in the light of the ongoing hearing in the apex court by embellishing the answer with your personal views. 16

4. Attempt an exhaustive analysis of the historical development of writ jurisdiction in India. 16

Or

Write short notes on *any two* of the following: 8×2=16

- Writ of Mandamus,
- Writ of Certiorari
- Writ of Habeas Corpus
- Writ of Quo Warranto

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

12+4=16

Or

The Constitution of India providing for a federation has been considered to withstand the test of time, more so, in the context of the neighbouring countries. This has also been attributed to the flexibility of the Constitution as provided for through the process of amendment.

Attempt an assessment of the process of amendment as provided for reflecting on the judicial renderings. Refer to the significance of the Basic Structure doctrine.

10+6=16.