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14 (LLM-2) 2/1

2017

**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.*

*Answer any five questions.*

1. The Constitution of India guarantees the Right to Equality through Articles 14 to 18. "Equality is one of the magnificent corner-stones of Indian democracy."

Critically discuss the doctrine of equality under Art.14 of the Constitution of India and reasonable classification vis-a-vis Art.14. Embellish your answer with the decisions of the Supreme Court.

8+8=16

Contd.

**OR**

“Religion has been a very volatile subject in India both before and after independence. The Constitution therefore seeks to ensure state neutrality in this area”.

Discuss the concept of ‘secularism’ under the above context. Discuss with case laws. Briefly discuss “the right to freely to profess, practise and propagate religion” as well as reasonable restrictions thereof, if any.  $6+6+4=16$

2.- Write an 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**

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 Education

(b) Right to Privacy

(c) Right to Die

(d) Right to Health.

3. Discuss the role of the Indian Higher Courts in asserting Judicial Review to be the basic and essential features constituting part of its basic structure with the help of case laws.

Briefly discuss ‘Judicial Activism’.

$12+4=16$

**OR**

Independence of 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.

In the light of the recent judgement of the Supreme Court on the National Judicial Appointment Commission, reflects on the advance made on the Memorandum of Procedure MOP and embellish your answer with your own views.  $16$

4. Briefly discuss the writ jurisdictions of the higher courts in issuing various writs under the Constitution of India.

Discuss the inter-relationship between Articles 32 and 226 of the Constitution of India and role of the courts in entertaining P.I.L. 16

**OR**

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

5. The 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. 16

**OR**

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 decisions to support your views. 16