0152

First Semester LL.M. Examination, January 2011

INDIAN CONSTITUTIONAL LAW : THE NEW CHALLENGES

(Course – II)

Duration : 3 Hours Max. Marks : 80

Instructions : 1. Answer **all** questions.

2. Figures to the **right** indicate marks.

Q. No. 1. (a) Discuss the factors influencing federalism and factors responsible for subordination of states in the era of advocacy for co-operative federalism. Marks : 10

OR

In the wake of liberalisation is there a need of widening the definition of "State" for the purposes of part III of Constitution of India ?

(b) Write short note on ; Marks : 6

i) Destructible states of indestructible union.

OR

Directions of centre to states.

Q. No. 2. (a) Whether parliament can make law for reservation in employment in private sector ? Discuss the impact of privatisation on affirmative action by state for equality. Marks : 10

OR

Critically evaluate whether legislative measures and judicial interpretations for protective discrimination of women are satisfactory.

(b) Write short note on ; Marks : 6

i) Affirmative action.

OR

Empowerment of women through education.

P.T.O.

Q. No. 3. (a) Whether strikes, hartal and total bandh be banned in the wake of recent decision by the apex court ? Can there be a strike by the persons involved in dispensation of Justice. Marks : 10

OR

Discuss the emerging regime of new rights and remedies in the context of harmonious construction of Directive Principles and Fundamental Rights.

(b) Write short note on : Marks : 6

i) Broadcasting rights.

OR

Commercialisation of education and its impact.

Q. No. 4.(a) Discuss the theoretical foundations and difficulties created by T.M.A. Pai's case and their practical implications with reference to minority rights to establish and administer educational institution of their choice. Marks : 10

OR

Distinguish between freedom of religion and religious fanaticism. Critically evaluate the provisions of constitution of India with reference to secularism in India.

(b) Write short note on : Marks : 6

i) Minority run educational institution and state control.

OR

Secularism versus freedom of religion.

Q. No. 5.(a) What are the constitutional measures available for judicial independence ? Is the system of transfer of judges against judicial independence ? Marks : 10

OR

Discuss democratic process and jurisprudence of representation through election.

(b) Write short note on : Marks : 6

i) Judicial activism/over reach.

OR

Electoral reforms.

S D M L A W L I B R A R Y

(b) What are the controls the state can impose on minority educational institutions ? Explain the same with suitable examples and judicial decisions.

OR

What are the distinctions, if any, between Articles 29 and 30 ? Marks : 6

Q. No. 5. (a) What is meant by 'Public interest litigation' ? Briefly explain and critically evaluate its growth in Indian in the light of judicial decisions. Are there any limitation on this public interest litigation ? Explain

OR

Briefly explain and critically evaluate the nature powers and functions of the Election Commission of India. Critically evaluate whether the Parliamentary law and the judicial decisions on Election Commission tend to undermine its independence and autonomy. Marks : 10

(b) Critically evaluate the procedure to impeach a judge of the Supreme Court in the light of recent developments.

OR

Critically evaluate the importance and relevance of the Constitution (Seventy Third Amendment) Act, 1992 and its subsequent developments. Marks : 6