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0152

First Semester LL.M. Examination June 2010

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) Briefly explain and critically evaluate the settlement of Inter-State river water disputes under the Indian Constitution. Refer to relevant statutory provisions, constitutional provisions and judicial decisions.

OR

Briefly explain and critically evaluate the Constitutional provisions relating to the failure of State machinery. What is the nature and extent of judicial review available in this regard ? Marks : 10

(b) Write a critical note on : The importance of Finance Commission under the Indian Constitution.

OR

Explain the need for widening the definition of 'State' under the Indian Constitution. Marks : 6

Q. No. 2. (a) "Article 14 permits classification but prohibits class legislation". Critically evaluate this statement in the context of privatisation and its impact on affirmative action.

OR

Briefly explain and critically evaluate the nature and scope of affirmative action in the field of education, Illustrate your answer with decided cases and enactments, if any. Marks : 10

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(b) Briefly explain the constitutional protection extended to women as well as measures to be taken to empower them.

OR

What is meant by 'Creamy Layer'? Does it violate the right to equality, Illustrate your answer with suitable examples. Marks : 6

Q. No. 3. (a) Freedom of speech and expression has been expanded to include various other freedoms as well by the Supreme Court. Do you agree with this statement ? Illustrate your answer with decided cases as well as limitations on this freedom as provided under the Constitution.

OR

"Although article 37 provides that the Directive Principles of State Policy shall not be enforceable by any court, the Supreme Court has interpreted the provision to strike a balance". Critically evaluate this statement in the light of judicial decisions,constitutional amendments and statutory provisions. Marks : 10

(b) What is meant by compensatory jurisprudence ? Briefly explain and critically evaluate its growth in India in the light of judicial decisions and limitations, if any.

OR

Is there a fundamental right to education ? Explain the evolution of this right from 1950 along with judicial decisions and constitutional amendments. Marks : 6

Q. No. 4. (a) Is 'Secularism' a basic structure of the Indian Constitution ? Illustrate your answer with judicial decisions and constitutional amendment.

OR

Briefly explain and critically evaluate the right of minorities to establish and administer educational institutions of their choice in the light of judicial decisions. Marks : 10