



First Semester LL.M. Examination, June/July 2012
INDIAN CONSTITUTIONAL LAW : THE NEW CHALLENGES

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 procedure in the creation of new States in India. Is there any role assigned to the States in this regard ? Explain. Marks : 10

OR

Briefly explain and critically evaluate the duty cast on the Union under Article 355 of the Constitution with suitable examples.

(b) Is 'federalism' a basic structure of the Constitution ? What are the essential features of federalism ? Explain. Marks : 6

OR

Briefly explain the nature of special status given to certain States under the Constitution and its federal implications, if any.

Q. No. 2. (a) Briefly explain with decided cases the meanings of 'equality before the law' and 'equal protection of law' under Article 14 of the Constitution. Marks : 10

OR

Briefly explain and critically evaluate the limitations if any on the affirmative actions of the State as evolved by the Supreme Court. What are the methods adopted by the States to overcome some of the limitations imposed by the judiciary on affirmative action ?

(b) Briefly explain some of the legislative developments taken up by the States to empower women. Marks : 6

OR

Can the affirmative action under Article 16 be imposed on private industries as well ? Give reasons.

Q. No. 3.(a) Non-justiciability of Directive Principles of State Policy does not mean judicial non-cognizability-Upendra Baxi. Critically examine this statement in the light of contemporary developments. Marks : 10

OR

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Briefly explain the nature and scope of the 'Freedom of the Press' as evolved by the Supreme Court in the light of judicial decisions and critically evaluate the same.

- (b) Briefly explain the Writ of Quo Warranto in the light of judicial decisions.

Marks : 6

OR

Briefly explain the nature of fundamental duties provided under the Constitution and critically evaluate the same.

- Q. No. 4. (a) Briefly explain and critically evaluate the exception provided to the minority educational institutions from the application of affirmative action.

Marks : 10

OR

Right to administer educational institutions does not mean right to maladminister. Critically evaluate this statement in the light of judicial decisions towards circumscribing the right given to minority educational institutions under the Constitution.

- (b) What are the religious rights provided under the Constitution ? Do they support the concept of Secularism ? Explain.

Marks : 6

OR

Briefly explain how the Supreme Court has attempted to define 'secularism'. Do you agree with the Supreme Court ? Give reasons and illustrate your answer.

- Q. No. 5. (a) Briefly explain and critically evaluate the process of appointment of judges to the Supreme Court and various High Courts under the Constitution. Does it differ in practice ? Refer to decided cases.

Marks : 10

OR

Briefly explain the meaning of coalition government. Critically evaluate the nature of accountability, if any, of coalition governments. Illustrate your answer with suitable examples and judicial decisions.

- (b) Does the Indian Constitution reflect separation of powers ? Explain.

Marks : 6

OR

Briefly explain the growth of administrative tribunals in India and critically evaluate their functioning in the light of judicial decisions.