



III Semester LL.M. Examination, December 2012
CONSTITUTIONAL LAW
National Security, Public Order and Rule of Law
(Spl. Paper – 6)

Duration : 3 Hours

Max. Marks : 80

- Instructions:** 1. Answer **all** questions.
2. Figure to the **right** indicate marks.

Q. No. 1. (a) Explain how the concept of rule of law enabled protection of liberty during the pre-independence era. Marks : 10

OR

National security and civil liberties are antinomies. Analyse how rule of law reconciles them.

(b) What is the difference between subjective and objective satisfaction ? Marks : 6

OR

Write a note on national security.

Q. No. 2. (a) What is the importance of Advisory Board ? Critically evaluate the power of Parliament to dispense with Advisory Board. Marks : 10

OR

Critically evaluate the fate of liberty during emergency.

(b) Is there a need for objective standards in detention ? Marks : 6

OR

Write a note on communication of grounds to detainee.

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Q. No. 3. (a) Do you agree that TADA is a draconian legislation ? Give reasons.

Marks : 10

OR

Whether due process varies according to gravity of crime ?
Elucidate with the help of special legislations and judicial decisions.

(b) Is there a need for stringent laws to deal with economic offences ?

Marks : 6

OR

Write a critical note on confessions under TADA.

Q. No. 4. (a) Critically evaluate the protection available for freedoms under Art. 19 vis-a-vis the emergency powers of the President.

Marks : 10

OR

Evaluate what necessitated the Constitutional Amendments making certain of the fundamental rights non-suspendable.

(b) Enumerate the changes brought about by 44th Amendment.

Marks : 6

OR

Why Art. 21 can not be suspended during emergency ?

Q. No. 5. (a) Write a note on Constitution (Fifty Ninth Amendment) Act 1988.

Marks : 10

OR

Explain in detail the changes brought about by the Constitution (Forty Fourth Amendment) Act 1978.

(b) Write a note on judicial review during emergency.

Marks : 6

OR

Explain justiciability of proclamation under Art. 356.