



Third Semester LL.M. Examination, June/July 2012
CONSTITUTIONAL LAW
National Security, Public Order and Rule of Law
Specialisation Paper – 6

Duration : 3 Hours

Max. Marks : 80

- Instructions:** 1. Answer **all** Questions.
2. Figures to the **right** indicate **marks**.

Q. No. 1. (a) Explain the need to eliminate the subjective element in detentional laws. Marks : 10

OR

“Liberty was better protected during pre-independence era than present day”. Critically evaluate.

(b) Explain the relation between rule of law and liberty. Marks : 6

OR

Explain the pre-independence law relating to emergency detention.

Q. No. 2. (a) Discuss the scope and ambit of safeguards provided by Arts. 22(4) to (7) Marks : 10

OR

Write an essay on judicial review of detention orders.

(b) Write a note on emergency in 1975. Marks : 6

OR

Explain the colorable exercise of power in relation to detained person.

Q. No. 3. (a) Explain the compliance of TADA with due process requirements. Marks : 10

OR

Explain how the processual inequality that arises due to special courts can answer the constitutional mandate of fair trial and equality.

(b) Whether stringent laws to tackle economic offenders are constitutionally valid ? Marks : 6

OR

Evaluate the attitude of NHRC towards special legislations.

P.T.O.

0354



Q. No. 4. (a) Make a critical appraisal of the changes brought about through constitution (forty fourth amendment) Act, 1978.

Marks : 10

OR

Appreciate the relevance of presidents power to suspend fundamental rights in the present day scenario of respect for human rights and fair process.

(b) Explain the grounds available to restrict freedom of speech.

Marks : 6

OR

Write a note on impact of emergency on Art. 21.

Q. No. 5. (a) Evaluate if emergency situation essentially requires suspension of access to courts.

Marks : 10

OR

Critically appreciate the exercise of power of judicial review vis-a-vis emergency provisions.

(b) Explain the justiciability of president's discretion.

Marks : 6

OR

Write a note on S. R. Bommai V. UOI.
