

LL. M. SEM-I (2015 COURSE) CBCS : SUMMER - 2018
SUBJECT : INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

Day : **Friday**
Date : **04/05/2018**

S-2018-1438

Time : **10.00 AM TO 01.00 PM**
Max. Marks : 60

N.B.:

- 1) Attempt **ANY FOUR** questions.
 - 2) All questions carry **EQUAL** marks.
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- Q.1** Equality of opportunity embraces two different and distinct concepts. There is a conceptual distinction between a non discrimination principle and affirmative action under which the state is obliged to provide a level playing field to the oppressed classes. Comment with the help of important case laws.
- Q.2** The right to compensation is some palliative for the unlawful acts of instrumentalities which act in the name of public interest and which present for their protection the powers of the state as a shield. Discuss the compensatory jurisprudence evolved by the apex court.
- Q.3** The independence of judiciary is one of the most significant feature of the constitution. Any policy or decision of the Government which would undermine or destroy the independence of judiciary would not only be opposed to public policy but would also impinge upon the basic structure of the constitution. Comment.
- Q.4** Religious or linguistic minority communities have right to establish and maintain educational institutions of their choice in order to preserve their language and culture". To what extent constitutional protection is given in this regard. Discuss with the help recent case laws.
- Q.5** The interpretation of term other authorities in Article 12 has caused a good deal of difficulty and judicial opinion has undergone changes overtime. Comment with the help of case law.
- Q.6** Write a critique on reading directive principle and fundamental duties into fundamental rights.
- Q.7** Democracy is sustained by free and fair election the constitution establishes the election commission a body autonomous in character and insulated from political pressures or executive influence. Evaluate the power and function of Election Commission.
- Q.8** Write notes on **ANY TWO** of the following:
- a) Creation of new states
 - b) Right to strike, hartal and bandh
 - c) Judicial activism
 - d) Brain drain by foreign education market

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