

Roll No. : .....

Total No. of Questions : 11 ]

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# **LLMSEM-147**

**LL.M. (Ist Semester) Examination Dec., 2022**

## **INDIAN CONSTITUTIONAL LAW AND THE NEW CHALLENGES**

Paper - FL-LAW-CC-102

*Time : 3 Hours ]*

*[ Maximum Marks : 75*

The question paper contains three Sections.

### **Section-A**

**(Marks : 2 × 10 = 20)**

*Note :-* Answer all *ten* questions (Answer limit **50** words). Each question carries **2** marks.

### **Section-B**

**(Marks : 5 × 5 = 25)**

*Note :-* Answer all *five* questions. Each question has internal choice (Answer limit **200** words). Each question carries **5** marks.

### **Section-C**

**(Marks : 10 × 3 = 30)**

*Note :-* Answer any *three* questions out of five (Answer limit **500** words). Each question carries **10** marks.

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### Section–A

1. (i) Cooperative Federalism
- (ii) Interstate Council
- (iii) Compensation Jurisprudence
- (iv) Brain-Drain
- (v) What is the Doctrine of prospective overruling ?
- (vi) Theory of Territorial Nexus
- (vii) Accountability of judiciary
- (viii) Grassroot democracy
- (ix) “National Commission for backward classes.” Discuss.
- (x) What is Collective Responsibility ?

### Section–B

2. Describe and discuss the procedure to create new States under constitution of India.

*Or*

Can the Government of a State whose legislature is dissolved by the President on the ground of ‘failure of Constitutions, machinery in the State’, challenge his orders before the Supreme Court under its Original Jurisdiction ? Discuss.

3. “‘Federal Comity’ is the relationship of Trust and Faith between Centre and States.” Discuss.

*Or*

“Lawyers have no right to go on strike or to give a call for boycott nor can they while holding Vakalatnama on behalf of clients abstain from courts in presuance of a call for strike or boycott..... .” Analyse these statement.

4. Discuss the provision relating to cultural and educational right provided under Articles 29 and 30 of the Constitution. To what extent the minority educational institutions can reserve seats in the institution established and maintained by the minorities for the student of their community ? Cite cases.

*Or*

Right to 'Strikes' and 'Bandh' – whether legal or illegal ?

Sum up your views and suggest remedies against "Calling for and holding Bandh".

5. What do you mean by Religious Fantiacism ? What strategy has been adopted in the Constitution of India to deal with religious fantiacism ? Explain.

*Or*

'By an activist interpretation most of fundamental rights gave been converted into a regime of positive human rights unknown in Constitutional diction : Comment with reference to Article 21.

6. Discuss the 'Nexus of Politics with Criminals'.

*Or*

Discuss the Constitutional provisions regarding 'Empowerment of Women'.

### **Section–C**

7. Advise the Government of India as to procedure which is to be adopted in each of the following cases :
- (i) For creating a new tribal stale 'Jhabua' comprising contiguous tribal areas presently forming parts of Rajasthan and Gujarat.
  - (ii) Enlarging the Union Territory of Delhi by adding to it the portions of Territory of U.P. and Hariyana when the State of Hariyana does not consent to it.
  - (iii) To unite three small States into one single composite one.

8. What do you mean by Minorities ? What steps have been taken in the Constitution of India to integrate them in mainstream of National Life.
9. Explain the term 'Accountability of Judiciary'. Is judiciary governed by Law ? Can the judge of the Supreme Court be removed from his office ? Explain the procedure.
10. "True, our Constitution has no 'due process' clause or the VIII Amendment (on cruel and unusual punishment), of us but in this branch of Law after R.C. Cooper *Vs.* Union of India (AIR 1970 S.C 564) and Maneka Gandhi *Vs.* Union of India (AIR 1978 S.C 597 ..... the consequence is the same" Krishna Iyer). Discuss the above statement with particular reference to Article-14, 19 and 21 of the Indian Constitution. Refer to decided cases.
11. 'Preferential treatment' to certain persons belonging to backward classes in the form of 'reservation' in education and jobs, as provided in Article 15(4) and 16(4) of the Constitution of India, is a means to obtain that principle of equality which is enshrined in the preamble of the Constitution. Evaluate. Is Reservation Constitutional today in promotion ?