

LL.M. 1st Semester Examination, 2018

INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

Paper : 102C

Course ID : 12752

Time: 3 Hours

Full Marks: 80

The figures in the margin indicate full marks.

*Candidates are required to give their answers in their own words
as far as practicable.*

Answer any four questions.

1. “Under a decentralized but national regime, the subdivisions have no rights; they are simply creatures of the central government, created and structured for that government’s purposes. While federalism generally results in a fairly high level of decentralization, decentralization does not necessarily lead to federalism.” — Elucidate. 20
2. “Not only are we living in times of unprecedented technological progress and global homogeneity, we are also living in times where deep social and economic inequalities impair the human potential of many. Poverty, unemployment and discrimination...” Under the above backdrop discuss about the different facets of ‘Right to Equality’. Do you consider economic globalisation poses any challenges to realise right to equality in its true sense? 20
3. “The Indian Constitution was framed on the edifice of equality, liberty and fraternity. To strengthen these edifices, the framers included fundamental rights and directive principles in the new dispensation of the Country. The rights and principles thus connect India’s future, present and past, adding greatly to the significance of their inclusion in the Constitution, and giving strength to the pursuit of the social revolution in India.” — Elucidate. 20
4. “It may be noted here that even in the United States of America, where the doctrine of separation of powers has been most vigorously canvassed, it has not found favour in an absolute undiluted form. Intermingling of functions is, to a certain extent, inevitable, and has been accepted even in the United States of America.” In the light of above explain the ‘Doctrine of Separation’ and also discuss how far the doctrine holds well under the Indian Constitution. 20
5. Discuss the purposes behind the special definition of ‘State’ as provided under Article 12 of the Indian Constitution. How can you say that the Judicially expanded definition of ‘State’ under part III of the Indian Constitution in fact brought a challenge not the constitution but to any NEP policy itself as adopted by the Government of India? 20

6. Write critical notes on *any two* of the followings:

10×2=20

- (a) Corruption and electoral system in India
 - (b) Judicial review of Article 356
 - (c) Working of PIL on recent constitutional challenges
 - (d) Right to strike and bandh as fundamental right
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