

NLUJAA

National Law University and Judicial Academy, Assam

One Year LL.M. Degree Programme: I-Semester

(Academic Year: 2022-23)

Semester End Repeat Examination (July, 2023)

Subject Code: 1.2 Comparative Public Law / System Governance

(Compulsory Paper)

Time: **3:00 Hrs.**

Total Marks: **100**

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. Unnecessary queries on the question paper shall not be entertained.
3. Do not write anything on the question paper. It will be treated as malpractice.

Answer any *four* questions from the following. All questions carry equal (25) marks.

1. "The Indian constitution has not accepted the federal principles in absolute rigidity as it desired for a strong union at the Centre." Critically examine the above statement in the light of observations made in decided cases by the Supreme Court of India.
(25)
2. "... This is perhaps the ultimate vision of transformative, rather than a transitional Constitution. This is a perspective that sees the Constitution as not transformative because of its peculiar historical position or its peculiar socio-economic goals but because it envisions a society that will always be open to change and contestation, a society that will always be defined by transformation."
 - (a) Amplify the above statement.
 - (b) Evaluate the socio-cultural impact of judicial pronouncements of the apex court of India that try to embrace the transformative constitutionalism in India legal system.
 - (c) Do you think these judgments may have any adverse impact on cultural relativism those are rooted in Indian society? (8+9+8=25)
3. "Doctrine of Separation of Power in today's context of liberalizations, privatizations and globalizations cannot be interpreted to mean either separation of powers or checks and balance of principle of restraint but community of powers exercised in the spirit of cooperation by various departments of states in the best interest of the people."
(9+8+8 =25)
 - (a) Examine the implications of the given statement considering the current complex socio-legal and economic problems of the national legal systems and international legal order.

- (b) Do you think the unprecedented press conference of judges in 2018 and appointment of judges after retirement raises the question of integrity of judges and goes against the doctrine of separation of power? Advance your legal and logical arguments.
- (c) Do you think the independence of the judiciary is clearly a problem if the independence is misused to foster the sectoral privileges of judicial personnel or to allow unchallenged interpretations of the law?
4. Discuss the basic principles of good governance and examine its applicability in Indian legal system.
(15+10=25)
5. The Chief Minister of state “Z” upon the completion of 3 years out of five years’ tenure of his government recommends to the Governor of the state the dissolution of the legislative assembly and holding of election on the ground of seeking a fresh mandate from the people. The Governor refers to dissolves the legislative assembly on the ground that the entire period of the five years of the state government has not elapsed and instead recommends imposition of President’s rule under Article 356 of the Constitution.
- (a) Discuss the validity of the Governor’s actions in the light of constitutional principles and case laws.
- (b) What is the extent of judicial review exercisable by the courts in such cases?
(15+10=25)

OR

What do you mean by Secular State? Mention how secular character of the State is maintained under the provisions of the Constitution and substantiate your answer with judicial decisions.
(5+20=25)

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Semester End Repeat Examination (July, 2023)

Subject Code: 1.3 Law and Justice in Globalizing World

(Compulsory Paper)

Time: **3:00 Hrs.**

Total Marks: **100**

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. Unnecessary queries on the question paper shall not be entertained.
 3. Do not write anything on the question paper. It will be treated as malpractice.
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Answer any *four* questions from the following. All questions carry equal (25) marks.

1. Explain various theories of global justice. Which theory in your opinion is the most suitable?
2. In the era of economic globalization, how the protection of human rights has been affected? Explain.
3. How patriarchy and capitalism has affected the lives of women and how the same continues in the neo-liberal world. Explain the feminist perspective to neo-liberalism.
4. How the rise of capitalism and colonization, and the consequent international law brought injustice to the colonies? Explain from a Third World perspective.
5. Write short notes on any **two**:
 - (a) Caste and globalization
 - (b) Climate change and globalization
 - (c) Neo-liberalism

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Semester End Repeat Examination (July, 2023)

**Subject Code: 1.4 (CN) Constitutional Law of India and Expanding Horizons
(Optional Paper - I)**

Time: **3:00 Hrs.**

Total Marks: **100**

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. Unnecessary queries on the question paper shall not be entertained.
 3. Do not write anything on the question paper. It will be treated as malpractice.
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Answer any *four* questions from the following. All questions carry equal (25) marks.

1. What are the latest approaches to the idea of Constitutional morality? Explain.
2. What is the concept of Constitutional silence? Explain its importance in the Constitutional interpretation.
3. Explain the expanding horizons of the Fundamental Rights in the context of interplay among Articles 14, 19 and 21.
4. Explain the theoretical and Constitutional idea of rule of law.
5. Attempt any **two**:
 - (a) Federalism
 - (b) Separation of powers
 - (c) Writ jurisdiction
