

NLUJAA
NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM
One Year LL.M. Degree Programme: II-Semester (Academic Year: 2016-17)
Semester End Repeat Examination (August, 2017)
Subject Code: 2.1 (Optional) Independence of Judiciary and
Changing Contours

Time: **3:00 Hrs.**
Total Marks: **100**

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. No clarification shall be sought on the question paper.
 3. Do not write anything on the question paper. It will be treated as malpractice.
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Answer any five questions from the following. All questions carry equal marks.

1. “An independent judiciary is necessary for a free society and a Constitutional Democracy. It ensures the rule of law, Constitutionalism and also the prosperity and stability of a Society.” – Comment.
2. The higher judiciary in India, applying its innovation and creativity, through PIL cases leave no single chance to make our judiciary free of executive domination. Critically evaluate the role of PIL in bringing a change in the process of appointment and transfer of Judges of High Courts and Supreme Court of India.
3. Make a critical comment on the presence and influence of the doctrine of ‘Rule of Law’ as a necessary attribute of judicial independence in a constitutional democracy along with its relevance in the present era.
4. The independence of judiciary as an institution and the independence of individual judges have to go hand in hand as the independence of the judiciary as an institution is not possible without the independence of the individual judges. Therefore, utmost care should be taken in appointing a judge, especially in higher judiciary. Make a brief analysis of the Constitutional provisions and practices that govern the appointment of judges of higher judiciary in India.
5. “Understanding that a government's role is to protect individual rights, but acknowledging that governments have historically been the major violators of these rights, a number of measures have been derived to reduce this likelihood. The doctrine of ‘Separation of Powers’ is one such measure.”

Comment on the above statement and trace the usefulness of this doctrine in providing an unbiased and uninfluenced judiciary to determine citizen’s grievances.

6. Discuss the significance of the 'power of the judiciary to review all legislative and executive actions' as a protection in the hands of the judiciary to retain its independence ensuring both constitutionalism and good governance.

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Subject Code: 2.2 (Optional) Constitution of India and Affirmative Actions

Time: 3:00 Hrs.
Total Marks: 100

INSTRUCTIONS:

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Answer any Four out of the First Five and Answer any Two from the Short Notes.

1. If National Law University and Judicial Academy Assam wants to increase intellectual diversity, do you think race, caste, gender and religion should be used as means of bringing about diverse perspectives or would doing so only reinforce and continue existing prejudices?
2. Are equal opportunity and affirmative action policies the same thing? Should affirmative action policies be also made for people who might not have suffered from historical injustice? Discuss in the light of relevant case laws.
3. In the light of the relevant case laws as has been discussed and relevant Constitutional provisions critically analyse the difference between formal and substantive equality and relate the same to the discourse on Affirmative Actions.
4. Critically examine the Kaka Kalelkar Commission report and the Mandal Commission Report on caste as a criterion for determining the social and educational Backwardness. Do you think economic criteria should be a factor in determining social backwardness?
5. In the light of the related theories of justice and various relevant case laws as has been discussed, examine the group-subordination idea of equality. Do you think Article 16 (4) is an exception to Article 16 (1) which guarantees equality of opportunity for all citizens in matters relating to employment or appointment to any public office? Discuss, in the light of relevant case laws
6. Short Notes:
 - (i) Affirmative action should continue forever even after parity has been reached
 - (ii) Reservation in promotion and the 77th and 85th Amendment to the Constitution
 - (iii) Affirmative action leads to lowering of standards
 - (iv) Affirmative action as a form of reverse discrimination
