

**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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