

The Assam Royal Global University, Guwahati

Royal School of Law and Administration

LL.M First Semester

Semester End Examination, December 2018

Course Title : Fundamental Rights & Directives Principles

Course Code : LAW124C104

Time: 3 Hours

Maximum Marks: 70

Note: Attempt all questions as per instructions given.

The figures in the right-hand margin indicate marks.

Section – A

- Q.1. Attempt all questions. (Maximum word limit 50)** 2 x 8
- a. What is *Ex post Facto Law*? 2
 - b. What is Doctrine of Eclipse? 2
 - c. What effect occurs on declaration of Emergency on Fundamental right? 2
 - d. What is Post Decisional Hearing? 2
 - e. Write about Article 21-A. 2
 - f. Write about Art-14. 2
 - g. What is Right to Privacy? 2
 - h. Write about Right to Property. 2

Section – B

- Q.2. A naturalist position holds that fundamental rights are pre-existing natural rights with evolving boundaries. However that it is not sufficient to say that the Courts have historically followed a naturalist approach. Elucidate the concept of fundamental rights vis-à-vis natural rights with leading case laws** 12

OR

‘The role of non state actors has increased in independent India rather than decreasing’.

Elaborate the concept of state and non state actors in Indian governance system. 12

- Q.3. A state is known by the right it maintains. Explain the concept of fundamental rights emphasizing on the limitations and amendability under Indian constitution** 14

OR

‘An Act of Indemnity prevents a court of law from entertaining suits of persons aggrieved by the execution of martial law an impression is created that the function of the Act of

Indemnity is to legalise illegalities'. Elaborate the the concept of Indemnity under Art 34 of Indian Constitution 14

Q.4. 'The Directive Principles of state policy incorporated in Part IV of the Constitution of India are rights which cannot be enforced against state, yet the state must strive towards it'. Discuss the above in the light of significance of Directive Principles of State Policy in Indian judicial history. 14

Or

In E.P. Royappa case Justice Bhagawati Pronounced a new concept of Equality with dynamic aspects and dimensions that cannot be crippled or confined within traditional limits. Elaborate the new regime of broader scope of Fundamental rights. 14

Q.5. 'The Doctrine of supremacy of Constitution and judicial review has been expounded very lucidly but forcefully' Elucidate the above by broadly discussing the nexus between Fundamental rights and Judicial Review under Indian Constitution. 14

Or

Explain the concept of Strict Scrutiny Test and Essence of Right Test under Indian Constitutional Backdrop along with significant Case laws 14