

NATIONAL LAW UNIVERSITY, DELHI

LL.M. Degree Programme, I-Semester (Batch of 2018)

End-Semester Examinations, December- 2018

Paper: Advanced Constitutional Law

Time: 3:00 Hours

Total Marks: 50

Instructions:

1. Read the questions carefully and answer.
2. This is an open book exam. Students are free to consult their class notes as well as assigned reading materials.
3. No clarification shall be sought on the question paper.
4. Do not write anything on the question paper except your roll no.

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- Q1.** “Criminal prosecution is often controversial and involves the State in one of its most powerful avatar. Powers can infringe various interests and values external to criminal process, as liberty, privacy, freedom from humiliation and bodily integrity. Right to remain silent, which is implicit in privilege against self-incrimination says something about the proper relationship between citizens and the State. Right to silence is morally justified and deserves constitutional protection.”

Explain the above statement by demonstrating how and to what extent the Courts in India have determined the scope of this right to remain silent? **(10 Marks)**

- Q2.** “Political liberals generally claim that if one favours individual liberty, one should place strong limitations on the activities of the State. Critics of liberalism argue that the pursuit of liberty understood as self-realization or self-determination can require state intervention of a kind not normally allowed by liberals”.

In the light of the above statement, explain whether liberty limiting principles of criminalisation (any two) conform to the Constitutional framework? **(6 Marks)**

- Q3.** Is Indian constitutional secularism different from secularism elsewhere? How? Substantiate with reference to constituent assembly debates, constitutional provisions and case law. **(10 marks)**

- Q4.** Critically evaluate the Essential Practices Doctrine as developed by the Supreme Court of India. **(6 marks)**

- Q5.** Do the issues that arise for adjudication in *Air India v. Nergesh Mirza* demonstrate the limitation of the classification test to adjudicate equality claims? While reflecting on that question, also discuss the possibilities and dangers of the ‘arbitrariness doctrine’ using cases in the course material. **(10 marks)**

- Q6.** Does the judicial discourse on reservations in India suffer from normative incoherence? **(8 marks)**