

School of Law

Master of Law
Semester End Examination - Jun 2024

Duration : 180 Minutes
Max Marks : 100

Sem II - J1PG203T - Transformative Constitutionalism and Pluralism

General Instructions

Answer to the specific question asked

Draw neat, labelled diagrams wherever necessary

Approved data hand books are allowed subject to verification by the Invigilator

- 1) The Apex Court of India has observed that "Citizens have a fundamental right to assembly and peaceful protest which cannot be taken away by an arbitrary executive or legislative action". Explain the meaning of right to dissent and its significance in a pluralistic society. K2(6)
- 2) Explain the meaning of 'minority' under various International Instruments in detail. K2(6)
- 3) Cosmopolitan model of democracy along with constitutionalism and social & multiculturalism are required to be adopted for an efficient State reorganisation in India. Illustrate this statement with the help of examples and caselaws. K3(6)
- 4) Doctrine of essentiality and Doctrine of rationality plays a significant role in determining Secularism as well as basic structure of the Constitution. Cite relevant caselaws to justify your answer. K3(6)
- 5) The fifth Amendment to United States Constitution inserted the concept of 'no person shall be deprived of his life, liberty or property, without due process of law'. Highlighting the need for the judicial powers, Dr. Ambedkar stated that "the judiciary would be endowed with the authority to question the law not merely on the ground whether the law was good law, apart from the question of the powers of the legislature making the law... The question now raised by the introduction of the phrase 'due process' is whether the judiciary should be given the additional power to question the laws made by the State on the ground that they violate certain fundamental principles." Critically examine the concept of 'Due Process of Law' under Indian and U.S. Constitution with reference to Constitutionalism. K5(10)

OR

Dr. Ambedkar has said " If we wish to maintain democracy not merely in form, but also in fact, what must we do? The first thing in my judgment we must do is to hold fast to constitutional methods of achieving our social and economic objectives". This statement substantiates the idea that arbitrariness is antithesis of rule of law. Examine the statement in reference to judicial approaches and applicable case laws. K5(10)

6) Dr. B. R. Ambedkar has emphasised that "We must make our political democracy a social democracy as well. Political democracy cannot last unless there lies at the base of it social democracy". Examine the various aspects of Transformative Constitutionalism vis-à-vis political democracy". in India. K5(15)

7) The idea of Religious reforms leads to a strong constitution as well as secular model. Examine the recent religious reforms along with the role of judicial approaches in strengthening Transformative Constitutionalism in India. K5(15)

8) It is well settled notion that the constitutional morality is required to be weighed on the basis of Volkgeist and State Accountability in a democratic setup. Examine the statement in the light of recent caselaws. K5(15)

9) Examine the relevance of 'one nation, one language policy'. Also, determine certain challenges in its implementation in a pluralistic society with the help of judicial approaches. K5(15)

10) The idea of 'Access to justice' revolves around multiple factors namely, right to speedy and expeditious justice, availability of appropriate forum, fairness & transparency in justice delivery system, non-discrimination, non-violence, etc. Examine the relevancy of these factors in the light of relevant caselaws and constitutional provisions. K5(15)

11) In a leading judgment, the Supreme court of India raised its concern about the prevalence of Untouchability issues in India society as: "...Despite its abolition it is being practised with impunity more in breach. More than 75 percent of cases under the The Protection of Civil Rights Act 1955 are ending in acquittal at all levels." Discuss the factors and significance of affirmative action to socioeconomic disadvantaged group of the society. Also, critically evaluate the concept of Untouchability with the help of relevant caselaws. K5(15)