



End/Reappear (Semester II) Examination, May 2025

Programme: LLM
Course: Fundamental Rights & Directive Principles
Course Code: 24H.205
Enrolment no. _____

Full Marks: 70
Time: 3 Hrs.

Section I

1. **Short Answer type questions. Answer any four.** **4 x 5 = 20**
- Analyze the relationship between the Preamble of the Indian Constitution and Fundamental Rights. How does the Preamble guide the interpretation of Fundamental Rights?
 - How do Fundamental Rights and Directive Principles differ in terms of justiciability? Compare their legal enforceability, significance, and role within the constitutional framework.
 - Define the Doctrine of Arbitrariness with reference to Article 14 of the Indian Constitution.
 - Explain the scope of the 'privilege against self-incrimination' under Article 20(3).
 - Discuss the constitutional provisions that directs the State to provide early childhood care and education with respect to Right to Education.
 - How does the Doctrine of Eclipse relate to the protection of Fundamental Rights under Article 13? Examine its impact on the applicability and enforcement of laws that conflict with constitutional rights.

Section II

- Long Answer type questions. Answer any three.** **3 x 10 = 30**
- Apply the Doctrine of Double Jeopardy to the following scenario: A person is tried and acquitted for a criminal conspiracy, and later charged again for another offence arising from the same transaction. Does Article 20(2) bar the second prosecution?
 - The State enacts a law providing for a living wage and humane working conditions in the unorganised sector, but it imposes financial burdens on small businesses. Some employers challenge the law under Articles 14 and 19. Apply the relevant Directive Principles and constitutional doctrines to assess the law's validity.
 - Evaluate the impact of the Universal Declaration of Human Rights (UDHR) on the framing and development of Fundamental Rights in the Indian Constitution. Do you think the UDHR has played a significant role in shaping the scope of Fundamental Rights in India?
 - How has the judiciary interpreted the idea of "equality" using the Doctrine of Arbitrariness? Support your answer with case laws.
 - Analyze the role of the judiciary in transforming Directive Principles of State Policy from non-justiciable guidelines into tools of constitutional governance. Support your answer with relevant case laws.

Section III

- Application based questions. Answer any one.** **1 x 20 = 20**
- "The evolution of Fundamental Rights in India has drawn heavily from international instruments and foreign constitutions, yet retains a unique constitutional identity through doctrines like severability, waiver, and eclipse."
Critically evaluate this statement with reference to the impact of the Universal Declaration of Human Rights, the concept of Natural and Human Rights, and the Preamble's role in shaping the scope and limitations of Fundamental Rights in India.
 - Critically examine the scope and evolution of Article 15 of the Indian Constitution. How has the judiciary interpreted the phrase "nothing in this article shall prevent the State from making any special provision..." in the context of affirmative action?
 - "A social media activist is detained under a preventive detention law for allegedly spreading misinformation that could disturb public order. The detention is ordered without providing the grounds to the detainee, and no representation is allowed for 3 weeks. A habeas corpus petition is filed alleging violation of Articles 21 and 22."
Examine the constitutionality of the detention in light of the safeguards under Article 22 of the Constitution, the scope of personal liberty under Article 21, and judicial scrutiny of preventive detention laws. Discuss whether the principles of natural justice have been violated.