

PARUL UNIVERSITY
FACULTY OF LAW

LL.M (International Human Rights Law) Winter 2019 – 20 Examination

Semester: 1

Date: 29/11/2019

Subject Code: 17205132

Time: 10:30am to 1:00 pm

Subject Name: Protection and Enforcement of Human Rights in India

Total Marks: 60

Instructions:

1. All questions are compulsory.
2. Figures to the right indicate full marks.
3. Start new question on new page.

Q.1 Do as directed. (1 marks each. All Compulsory)**(15)**

1. National Human Rights Commission is a

(a) Statutory body	(c) Multilateral institution
(b) Constitutional body	(d) Both a and c
2. What is the main aim of Human rights?

(a) To teach Morals and ethics	(c) to make people sensible
(b) to develop friendly relations	(d) to establish peace, security and one world
3. Who can be appointed as the chairman of the National Human Rights Commission?

(a) Any sitting judge of the Supreme Court	(c) Any person appointed by the President
(b) Any retired Chief Justice of the Supreme Court	(d) Retired Chief Justice of any High Court
4. Natural rights bind who of the following:

(a) Special people	(c) older people
(b) Women	(d) All of the above
5. What is tenure of the chairman of the National Human Rights Commission?

(a) 5 years or upto 62 years of age	(c) 6 years or upto 65 years of age
(b) 5 years or upto 65 years of age	(d) 5 years or upto 70 years of age
6. Who of the following is not included in the Committee constituted for the appointment of the Chairman of the National Human Rights Commission?

(a) President	(c) Lok Sabha Speaker
(b) Prime Minister	(d) Leader of the main opposition party
7. In which year the General Assembly adopted the resolution recognizing the significance of Human Duties?

(a) 1998	(c) 1999
(b) 1997	(d) 2000
8. In which year was the World Conference on Human Rights was conducted?

(a) 1993	(c) 1995
(b) 1992	(d) 1996
9. On which of the grounds / aspects discrimination is based on?

(a) Gender, disability, social, cultural, customary type, etc.	(c) Both '(a)' and '(b)'
(b) Race, sex, caste, colour of skin, etc.	(d) None of the above
10. Article 20(1) of the Indian Constitution deals with

(a) Protection against double jeopardy	(c) Protection against ex-post facto laws
(b) Protection against self-incrimination	(d) None of the above
11. In which case, the Supreme Court banned smoking at public places –

(a) D. K. Basu v. State of West Bengal	(c) Murli S. Deora v. Union of India
(b) Prem Shankar Shukla v. Delhi Administration	(d) None of the above

12. Which part of the Indian Constitution establishes India as a Welfare State?
 (a) The preamble of the Constitution
 (b) Fundamental Rights (Part III of the Constitution)
 (c) Directive Principles of State Policy (Part IV of the Constitution)
 (d) Schedule IV of the Indian Constitution
13. Which of the following parts/ provisions of the Indian Constitution cannot be amended without affecting the basic structure:
 (a) Preamble of the Constitution (b) Directive Principles of State Policy
 (c) Judicial Review (d) The Union list
14. The Constitution of India empowers the Supreme Court of India to adjudicate disputes between the Centre and the States through:
 (a) Appellate Jurisdiction (b) Original Jurisdiction
 (c) Advisory Jurisdiction (d) Writ Jurisdiction
15. "In The Constitution of India, nowhere the expression Natural Justice is used. However, the golden thread of natural justice passes through the body of Indian constitution".
 (a) True (b) False

Q.2 A) Write short notes on: (Each of three mark)

1. Doctrine of Basic structure (15)
2. Writs for protecting the fundamental rights
3. Fundamental duties under the Indian constitution
4. Role of Tribunals in maintaining a balance between individual rights and public welfare
5. Judicial activism and Judicial overreach

Q.3 A) The inclusion of fundamental rights in the Constitution of a country is for the purpose of preserving certain fundamental human rights, which are not only to be protected by the State, but which contains an area wherein the State has no right to interfere. Discuss with relevant case laws. (07)

OR

Although the Directive Principles of State Policy are not enforceable in a court of law, they are nevertheless, fundamental in the governance of the country and it is the duty of the State to apply these principles when framing laws. Discuss with relevant case laws.

B) Discuss the limits on public authorities that ensure the functioning within the boundaries set by the Constitution. Discuss the nature and scope of judicial review and the grounds on which the same can be invoked. (08)

OR

According to you, which is the best institution to do constitutional review? Which is highly intellectual, technical and reflexive process - the constitutional courts comprising unelected group of judges or the elected representatives of the state who are primarily elected to determine what the constitution must mean? Give suitable arguments for the same.

Q.4 A) Citizenship is relationship between an individual and a state to which the individual owes allegiance and in turn is entitled to its protection. Citizenship implies the status of freedom with accompanying responsibilities. Citizens have certain rights, duties, and responsibilities that are denied or only partially extended to aliens and other noncitizens residing in a country. (07)

Close to two million long-time residents of Assam, under the National Register of Citizens (NRC) exercise, might soon be deemed stateless and alleged that they are being stripped of their citizenship "without a fair, transparent, and well-regulated" process. As a student of Human Rights, critically suggest measures that the Judiciary can take, to address such human rights violations.

B) Write brief note on the following: (Any FOUR) (Each of two mark) (08)

1. Limitations of Judicial review
2. Origin and History of Human rights
3. Difference between Part III and Part IV of the Indian Constitution
4. 'Justice' in the Preamble
5. Approach of Courts for protecting the health of human beings with relevant cases