



UNIVERSITY OF PETROLEUM AND ENERGY  
STUDIES

End Semester Examination, December 2022

Course: Comparative Public Law  
Program: LLM.  
Course Code: CLCL7002

Semester: I  
Duration: 3 Hr  
Max. Marks: 100

**Instructions: General Instruction:**

Don't write a **Provision verbatim in support of your Answer.**

Make sure that Your Name and Enrolment number is correctly written on your answer sheet.

You are expected to answer all question along with relevant provisions and case law  
Please read the question carefully and answer

**SECTION A**

*(Scan and upload)*

5Qx2M=10 Marks

Q. No.	Attempt all the questions.	Marks	CO
1.	Whether there is a watertight compartment between private and public law?	2	CO1
2.	What is the jurisprudential meaning of comparative public law?	2	CO1
3.	Define Presidential form of democracy?	2	CO1
4.	Is Plea Bargaining permitted under Indian Law?	2	CO1
5.	“Domestic violence” whether it falls under the domain of private law?	2	CO1

**SECTION B**

*(Scan and upload)*

4Q x5M=20 Marks

Q. No.	Attempt all the questions.	Marks	
6.	England do not have rule of law as per Dicey understanding?	5	CO2
7.	Discuss the jurisprudence of Marital rape on the statement given. “Once a marriage is solomanised and the legal relationship is given its meaningfulness, the question of Marital rape is drawn out of proportion, impacting the institution of marriage”.	5	CO2
8.	Mention the principles laid down in William Marbury Vs. James Madison, Secretary of State of the United States 5 U.S. 137 (1803) and its relevance in current day context.	5	CO3

9.	Whether a constitution can be treated as a rigid document or flexible; if it is flexible, under what circumstances?	5	CO2
<b>SECTION-C</b> <i>(Scan and upload)</i> <span style="float: right;"><b>2Qx10M=20 Mark</b></span>			
Q. No.	Attempt both questions. However, Question 11 has internal choice	<b>Marks</b>	<b>CO</b>
10.	Explain the role of Judiciary in developing the basic structure doctrine as an aftermath of Golaknath case, 1967, SC? Whether the 50 percent rule of reservation in Balaji case still holds good by considering the Economically Weaker sections of the society? Discuss the same considering recent supreme court judgment of November 2022.	<b>10</b>	<b>CO3</b>
11.	“The political scientists have largely focused on a single issue: should constitution-writers follow England in concentrating lawmaking power in a single parliamentary institution, or should they follow the United States and France in separating law making authority among democratically elected rivals.” Explain with reasons;  <b><u>OR</u></b>  Discuss the changing dimensions of secularism globally and trace out the direction whether the state or religion is taking a front seat in different constitutions, whether hate speech in pretext of religious feelings and sentiments is permitted in a democratic set up? Support your answers with appropriate case law on the subject.	<b>10</b>	<b>CO3</b>
<b>SECTION-D</b> <i>(Scan and upload)</i> <span style="float: right;"><b>2Qx25M =50 Marks</b></span>			
Q.No.	Attempt any one choice from both the questions.	<b>Marks</b>	<b>CO</b>
12.	What is the best approach to balance juvenile crime and justice with youth crime in lieu of State Vs Ram Singh case (Nirbhaya Case) and the approach adopted by Indian Courts, to what extent it is related to the approach adopted in such cases in US & UK Courts? <b><u>OR</u></b> Discuss the Jurisprudence involved in the Juvenile Justice Act 2015 (As amended on date) The Courts have in a plethora of cases held that the young child should not be sent to prison(s) and to the extent possible be released under the supervision and care of parent(s) and/or guardian. Critically examine the statement with reasons under various jurisdictions.?	<b>25</b>	<b>CO3</b>
13.	Whether State can close the internet services through an ordinance as raised in Anuradha Basin Vs Union of India (2020) SCC 25? Further to this whether the IT Rules, 2021 is an attempt to restrict the freedom of speech and expression and various petitions have been filed across India challenging the legal validity of the IT Rules, 2021. Analyse above in light of the observations by Chennai and Bombay High Court and respond accordingly in terms of Article 19 of the Constitution. You may support your answer with the case law applicable to other jurisdictions as well <b><u>OR</u></b> Justice Frankfurter of US Supreme Court advised to B.N. Rao member of drafting	<b>25</b>	<b>CO4</b>

<p>committee of Indian Constitution not to use the word due process of law but procedure established by law in Article 21 of the constitution. In the light of same, discuss the reasons for the same and analyse the development of due process doctrine under the Indian Constitution from A.K.Gopalan case till date. How Art 21 is different from the language used in the US Constitution on life and liberty.</p>		
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