

HAMDARD INSTITUTE OF LEGAL STUDIES & RESEARCH (HILSR)

SCHOOL OF LAW

JAMIA HAMDARD, NEW DELHI - 110062

LL.M. IIIrd SEMESTER, 2023-24

LL.M. 302 (C): National Security, Public Order & Rule of Law

Time: 3 Hours

Maximum Marks: 60

Write your Roll No. on the top immediately on receipt of this question paper. Attempt five questions selecting one from each unit. All questions carry equal marks.

UNIT-I

(12 Marks)

Q1. Is Kautilya's *Saptanga* theory still a pertinent and effective framework in guiding India's contemporary national security strategies, or does it require critical re-evaluation and adaptation to address the evolving national security challenges in the current geopolitical landscape?

OR

Q2. "In pre-independence era, the colonial British government brought various stringent criminal laws and ordinances which were promulgated on the pretext of maintaining public order, national security, and public safety, but in reality, were aimed at furthering colonial interest of the British empire, and specifically targeted towards suppressing Indian freedom struggle."

In the light of the statement, make a chronological study of various colonial laws and ordinances primarily used by the British Government to suppress political dissent in India since 19th Century.

UNIT-II

(12 Marks)

Q3. Read the following questions, and attempt *any two* (6 x 2 = 12 marks):

- Difference between Article 358 and 359 of the Constitution.
- Critical appraisal of Justice Subba Rao's dissent in *Makhan Singh Tarsikka v. State of Punjab* (AIR 1964 SC 381).
- Evolution of preventive detention laws in India and their judicial interpretation by the Supreme Court since 1950s.

OR

Q4. "Although a whole host of questionable laws and executive actions of dubious validity, many having no relation to the emergency, have been prolonged and given life by Article 358 during the subsistence of emergency proclamations, courts have also devised various doctrines for nullifying the preclusive effect of Article 358 and for judicially examining legislative and executive conduct so that there is a set of valuable safeguards."

In light of the above statement, write a note on various textual safeguards, embedded in the constitutional provisions, available to citizens/persons to challenge the suspension of their fundamental rights during the subsistence of emergency proclaimed under Article 352.

[P.T.O.]

UNIT-III

(12 Marks)

Q5. Prepare notes on the following:

- (a) Difference between Military Law, Absolute Martial Law and Qualified Martial Law.
- (b) Constitutional validity of Armed Forces (Special Powers) Act, 1958 as decided by the Supreme Court in *Naga People's Movement of Human Rights v. Union of India* (1998) 2 SCC 109.

OR

Q6. Prepare notes on the following:

- (a) National Security Act, 1980 and its judicial examination in *A.K. Roy v. Union of India* (1982) 1 SCC 271.
- (b) Evolution of Martial Law in India and its legal position post enactment of the Indian Constitution.

UNIT-IV

(12 Marks)

Q7. While the Terrorist and Disruptive (Prevention) Activities Act, 1987 (TADA) may have lapsed long ago, its fundamental principles and provisions appear to have been retained in all subsequent anti-terrorism legislations enacted by the Indian Parliament. Do you agree? Substantiate your answer by conducting a comparative study of TADA, the Prevention of Terrorism Act of 2002 (POTA), and the Unlawful Activities (Prevention) Act of 1967 (UAPA, as amended till date).

OR

Q8. "...the debate on counter-terrorism issues has been dominated by traditional analysis of protecting either national security, or human rights, as if the protection of one undermines the protection of the other. This discourse is unhelpful as it implies that counter-terrorism legislation is inevitably at odds with the protection of fundamental human rights." Comment.

UNIT-V

(12 Marks)

Q9. The most significant impact of State-imposed restrictions in the guise of 'Security of State' or 'public order' has been the curtailment of the fundamental freedom of speech and expression for citizens. Throughout both pre- and post-independence periods, the State's interference in our Part-III Rights has consistently focused on limiting the freedom of speech and expression. Comment.

OR

Q10. Prepare notes on the following (6 x 2 = 12 Marks):

- (a) Position of Reasonable Restrictions *vis-a-vis* Fundamental freedoms.
- (b) Relevance and utility of Sedition laws in independent countries.
