

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

**Course: Principles of Transparency and Accountability-Regulatory Framework
Semester- II (Batch: 2020-21)**

End Semester Online Examination: June 2021 (LLM)

Date: 28th June, 2021

Duration: 8 hours

Max. Marks: 50

Instructions:

- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.
- Word Limit: 10 Marks: 750 -800 words, 5 Marks: 350- 400 words.

	Part A	Marks
	Answer Any Two	
Q.1	<i>“The right to life cannot be defeated by the archaic defence of sovereign functions and when the person is denied his right to life and liberty, it is not a valid argument that the deprivation was due to the state carrying out its sovereign functions.”</i> Elucidate the statement in the light of vicarious liability of the state for Constitutional tort with the help of leading case laws.	(10)
Q.2	<i>“The subject matter of debarment, suspension and blacklisting of delinquent contractors in Government contracts is discussed in a spectrum of cases, each laying down the ground rules to be considered by both the contractors and the Government.”</i> Elaborate the principles adopted by the courts while blacklisting the contractors with the help of the leading cases.	(10)
Q.3	Critically examine the observations of the Supreme Court on the precondition of “sanction” for prosecution of a public servant under Section 19 of the Prevention of Corruption (Amendment) Act, 2018. Comment how these observations have impacted fight against corruption among public servants?	(10)
	Part B	
	Answer Any Two	
Q.4	“There is no single definition of the concept of ‘Good Governance’. Over the period of time, we have witnessed that it is being used with great flexibility. It is sometimes considered as an advantage, and at times a source of some difficulty at the operational level.” Analyse and justify the above statement.	(10)
Q.5	Judicial review is defined as “the power of the court to determine whether the acts of legislature and executive are consistent with the Constitution or the Constitutional values.” Independence of the Judiciary is the backbone of the Good Governance. However, judiciary once a sacrosanct, can now be seen as failing in justice delivery and being engaged in corrupt practices. Do you agree? If yes, what are the reasons for the same. Discuss the same with suitable incidences.	(10)
Q.6	Critically analyse the theory of Governance and rule of law. Justify your opinion with appropriate occurrences.	(10)

- Q.7 “However good a Constitution may be, if those who are implementing it are not good, it will prove to be bad. However bad a Constitution may be, if those implementing it are good, it will prove to be good”. the sagacious words of Dr. Ambedkar, which are as relevant today as when he had spoken. What are the reasons for failure of the government to live upto the expectation of the Constitution? Explain. (10)

Part C

- Q.8 Write a note on power and procedure of Commissions of Enquiry. (5)
- Q.9 Write short note on (Any One) (5)
- a) Corruption and Maladministration-Corruption is the root cause of maladministration and maladministration leads to obstacles in the progress of the nation.
 - b) Are we moving towards Monarchy?
