

GUJARAT NATIONAL LAW UNIVERSITY
SILVASSA CAMPUS
Course: Constitutional Law I
Semester- II (Batch: 2023-28)

End Semester Examination: April-May 2024

Date: 22 April, 2024

Duration: 3 hours

Max. Marks: 50

Instructions:

- Read the questions properly and write the answers in the given answer book.
- Do not write anything on the question paper.
- 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: 800 words, 5 Marks: 400 words.

Answer **Any Five** of the following questions.

- | | Marks |
|--|----------------|
| Q.1 “...though our Constitution may be said to be a 'borrowed' Constitution, the credit of its framers lies in gathering the best features of each of the existing Constitutions and the extensive work done in modifying them with a view to avoid faults which have been disclosed in their working and to adapting them to existing conditions and needs of this country. So, if it is a 'patchwork', it is a 'beautiful patchwork'.” | (6 + 2
+ 2) |
| <div style="margin-left: 40px;">(a) What are the salient features of the Indian Constitution?</div> <div style="margin-left: 40px;">(b) Is Preamble a part of the Constitution?</div> <div style="margin-left: 40px;">(c) Can the Preamble be amended under Article 368 of the Constitution?</div> | |
| Q.2 “With the rise of Liberalisation, Globalisation and Privatization in Indian society, there is a need to broaden the definition of the term “State” to hold private bodies accountable for their actions.” | (10) |
| Do you agree with the above-mentioned statement? Elaborate the same with the help of case laws. | |
| Q.3 What is Judicial Review? Briefly discuss the legal maxims which limit the scope of Judicial Review in India. | (10) |
| Q.4 “Equality is a dynamic concept with many aspects and dimensions, and it cannot be "cribbed cabined and confined" within traditional and doctrinaire limits. From a positivistic point of view, equality is antithetic to arbitrariness. In fact, equality and arbitrariness are sworn enemies; one belongs to the rule of law in a republic while the other, to the whim and caprice of an absolute monarch.” | (10) |
| In light of the above statement, discuss the development of the Doctrine of Non-Arbitrariness through decided case laws. | |

Q.5 April 2024 marks a decade of the historic National Legal Services Authority vs. Union of India judgement by the Supreme Court of India. (7 + 3)

(a) Discuss the judgment in detail.

(b) Do you think Transgender Persons enjoy greater access to their fundamental rights and welfare schemes than they did in 2014?

Q.6 “The religious conceptions in this country are so vast that they cover every aspect of life, from birth to death. There is nothing which is not religion and if personal law is to be saved, I am sure that in social matters we will come to a standstill... There is nothing extraordinary in saying that we ought to strive hereafter to limit the definition of religion in such a manner that we shall not extend beyond beliefs and such rituals... which are essentially religious. It is not necessary that the sort of laws, for instance, laws relating to tenancy or laws relating to succession, should be governed by religion...” (10)

Contrary to Ambedkar’s postulation above, did the connotation of the term ‘essential’ undergo a significant transformation? Explain with the help of the latest case laws.

Q.7 Write a short note on **any two** of the following:

Marks
(5 + 5
= 10)

(a) “The Fundamental Rights and Directive Principles are two facets of the same coin, aimed at serving a common goal—the welfare of the citizens” – Mention any two cases where any Directive Principle has been recognised as a Fundamental Right.

(b) Which landmark judgment led to the addition of article 15(4) in the constitution by means of the 1951 Amendment Act? Briefly elaborate.

(c) Domicile means the place which a person has fixed as a habitation for himself and his family, nor for a mere special or temporary purpose but with a present intention of making it his permanent home.

Discuss domicile of origin, of choice, and by operation of law.
