

**GUJARAT NATIONAL LAW UNIVERSITY
SILVASSA CAMPUS**

Course: **Constitutional Law I**
Semester- II (Batch: 2024-29)

End Semester Examination: April-May 2025

Date: 24 April, 2025

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, 7.5 Marks: 600 words.

Part A (20 Marks)

Answer any two of the following questions.

- | | Marks |
|---|--------------|
| <p>Q.1 To ensure that every authority which is created by law and which has powers to make laws is bound by fundamental rights, the makers of the Constitution added the clause “other authorities” in the definition of ‘State’ in Article 12. This inclusive definition has been a constant source of litigation, with judicial opinion going through a series of changes over time. Different tests have been developed by the judiciary to determine the status of an entity as ‘State’ under Article 12.</p> <p style="margin-left: 40px;">(a) Discuss the origin and development of Agency/Instrumentality Test with the help of decided case laws.</p> <p style="margin-left: 40px;">(b) Is Judiciary ‘State’ within the meaning of Article 12?</p> | (7 + 3) |
| <p>Q.2 Article 14 prescribes equality before the law. However, all persons are not equal by nature, attainment or circumstances. Therefore, a mechanical equality before the law may result in injustice. The varying needs of different classes or sections of people require different and separate treatment. The legislature is required to deal with diverse problems arising out of an infinite variety of human relations. It must, therefore, necessarily have the power of making laws to attain particular objects and, for that purpose, of distinguishing, selecting and classifying persons and things upon which its laws are to operate.</p> <p style="margin-left: 40px;">(a) Briefly discuss any two judgments where the Supreme Court of India has used Article 14 to rule out discriminatory laws against women.</p> <p style="margin-left: 40px;">(b) Can an individual be a class in itself?</p> | (6 + 4) |
| <p>Q.3 Freedom of Speech and Expression is the mother of all liberties. In India, freedom of the press is implied from the freedom of speech and expression guaranteed by Article 19(1)(a). Press has been described as the fourth estate. The prime purpose of free press guarantee is regarded as creating a fourth institution outside the</p> | (8 + 2) |

government as an additional check on the three official branches- executive, legislature and the judiciary.

- (a) Discuss any four key judgments delivered by the Supreme Court of India in early years of Independence that helped to strongly establish the freedom of press under Article 19(1)(a).
- (b) How far are advertisements (commercial speech) protected under Article 19(1)(a)?

Part B (30 Marks)

Answer any four of the following questions.

- | | Marks |
|---|--------------|
| <p>Q.4 Constitution is a legal document having a special legal sanctity, which sets out the framework and the principal functions of the organs of the government of a State, and declares the principles governing the operation of those organs. (Wade and Phillips -- Constitutional Law 14th Edn.) A Constitution is the natural desire of a politically organized people. They wish to have an enduring law so that there is a rule of law and stability of governance. In our country, the Constitution was needed to fulfil the aspirations of the people of India.</p> <ol style="list-style-type: none"> (a) What are the salient features of the Indian Constitution? (b) Is Preamble a part of the Constitution? | (5 + 2.5) |
| <p>Q.5 “Citizenship is the right to have rights.” - Hannah Arendt</p> <ol style="list-style-type: none"> (a) List any two rights or privileges which are only available to citizens of India. (b) List any three modes of acquisition of citizenship prescribed by The Citizenship Act, 1955. (c) List the three types of Domiciles. | (2.5 x 3) |
| <p>Q.6 Article 13(1) states that all laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of Part III, shall, to the extent of such inconsistency, be void. Article 13(2) states that any laws made after enactment of the Constitution shall be void to the extent of inconsistency with Part III of the Constitution.</p> <ol style="list-style-type: none"> (a) What is the Doctrine of Eclipse? (b) Does Doctrine of Eclipse apply to Post-Constitutional laws? (c) Does an unconstitutional law remain operative as regards non-citizens? <p>Answer with the help of decided case laws.</p> | (2.5 x 3) |
| <p>Q.7 Article 20 of the Indian Constitution is a significant provision that provides three key safeguards to persons accused of a crime i.e., protection against <i>ex-post facto</i> laws, protection against double jeopardy, and privilege against self-incrimination.</p> | (7.5) |

With the help of landmark judgments, trace the journey of judicial jurisprudence of Article 20(3).

Q.8 Senior Advocate Kapil Sibal notes that the genesis of Public Interest Litigation in listening to the voice of the voiceless and giving access to the poor, the marginalised, and the weak is a unique experiment to be lauded. Indeed, PIL(s) have now come to be recognised as a potent tool to defend the rights of a group of people who are unable to seek redress due to lack of resources, ignorance, or their precarious social and economic circumstances. (2 + 1 + 4.5)

- (a) What is the Doctrine of *Locus Standi*?
- (b) Who is known as the Mother of Public Interest Litigation in India?
- (c) Summarily refer to any three landmark PILs adjudicated by the Supreme Court of India.

Q.9 “Seldom, our society realizes or cares to realize the trauma, agony and pain which the members of Transgender community undergo, nor appreciates the innate feelings of the members of the Transgender community, especially of those whose mind and body disown their biological sex. Our society often ridicules and abuses the Transgender community and in public places like railway stations, bus stands, schools, workplaces, malls, theatres, hospitals, they are sidelined and treated as untouchables, forgetting the fact that the moral failure lies in the society’s unwillingness to contain or embrace different gender identities and expressions, a mindset which we have to change.” (7.5)

- K.S. Radhakrishnan, J in *NALSA vs. Union of India* (2014 SC)

Trace the journey of recognition of rights of Transgender persons from *National Legal Services Authority vs. Union of India AIR 2014 SC 1863* to *Supriyo @ Supriya Chakraborty & Anr. v Union of India 2023 INSC 920*.
