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PRESIDENCY UNIVERSITY BENGALURU

 **SET-A**

SCHOOL OF LAW

 **END TERM EXAMINATION – MAY/JUNE 2024**

**Semester :** Semester II -2023

**Course Code :** LAW2024

**Course Name :**  Constitution I

**Program :** BA LLB Honors

**Date :** June 7, 2024

**Time :** 9:30 AM - 12:30 PM

# Max Marks : 100

**Weightage :** 50%

# Instructions:

1. *Read all questions carefully and answer accordingly.*
2. *Question paper consists of 3 parts.*
3. *Scientific and non-programmable calculator are permitted.*
4. *Do not write any information on the question paper other than Roll Number.*

**PART A**

**ANSWER ANY FOUR QUESTIONS 4Q X 5M = 20 MARKS**

1. Explain the objectives enshrined in the Preamble. Is Preamble a part of the Indian Constitution? Can it be amended?

(CO1) [Knowledge]

1. Explain the provisions related to citizenship of India provided in the Indian Constitution.

(CO2) [Knowledge]

1. Describe the constitutional provisions relating to “Self-Incrimination” with the help of relevant case laws.

(CO3) [Knowledge]

1. Describe the writ jurisdiction of the Indian Supreme Court under Article 32.

(CO4) [Knowledge]

1. Distinguish between ‘Equality before the law’ and ‘Equal Protection of the laws’ under the Indian Constitution.

(CO2) [Knowledge]

1. Elucidate upon 'Double Jeopardy' and the 'Right to Speedy Trial' under the Indian Constitution.

(CO3) [Knowledge]

**PART B**

**ANSWER ANY FOUR QUESTIONS 4Q X 10M = 40 MARKS**

1. Discuss the constitutional safeguards against arbitrary arrest and detention provided under Article 22 of the Indian Constitution. How do these safeguards protect the rights of individuals and ensure due process of law?

(CO5) [Application]

1. The Indian judiciary plays a crucial role in upholding the Right to Equality. Analyze landmark judgments where the Supreme Court or High Courts have interpreted Article 14 to ensure equality before the law and equal protection of laws for all citizens.

(CO2) [Application]

1. During a public health crisis, a mild virus named Pokeball started spreading extensively. Therefore, the government decided to restrict large religious and other gatherings to prevent the spread of the contagious disease. Visits to religious places of worship also became heavily regulated. On protest, the government stated that the right to religion of persons and denominations are not absolute in India. Critically examine with the help relevant case laws.

(CO3) [Application]

1. Examine the judicial approach towards the enforcement of Directive Principles of State Policy in cases where they conflict with the Fundamental Rights. How has the Indian judiciary balanced the non-justiciable nature of DPSPs with the need to uphold Fundamental Rights? Discuss with reference to key judgments.

(CO4) [Application]

1. The 'National Education Board' introduces mandatory standards for teacher qualifications and student-teacher ratios for educational institutions that minority institutions claim are impractical for them to meet due to resource constraints. With the help of relevant case laws, evaluate the constitutionality of enforcing such educational standards on minority institutions. How should the court ensure a balance between maintaining quality of education and the fundamental right to administer educational institutions of minority in India?

(CO5) [Application]

1. Consider the following hypothetical scenario: A privately-owned corporation manages and operates a prison facility under a contract with the government. Several inmates allege violations of their fundamental rights, including inhumane treatment and lack of due process. Assess whether the corporation qualifies as a 'State' under Article 12, and discuss the implications for holding it accountable for violation of fundamental rights.

(CO2) [Application]

**PART C**

**ANSWER ANY TWO QUESTIONS 2Q X 20M = 40 MARKS**

1. Critically analyze the impact of judicial activism on the expansion of Article 21. How has the proactive approach of the Indian judiciary in interpreting Article 21 influenced the protection and enhancement of fundamental rights in India? Discuss with the help of relevant case laws.

(CO2) [Analysis]

1. Examine the constitutionality of the reservation system outlined by State X through a Government Order for admission to the Government Medical College, which includes allocation of seats as follows:
	1. Reserved seats for scheduled castes, scheduled tribes, and other backward classes - 49%
	2. Reserved seats for children/wards of University Faculty members - 5%
	3. Reserved seats for Outstanding Sportsmen - 3%
	4. Reserved seats for Persons with disability- 3%

Critically discuss the constitutionality and scope of such reservation provisions with the help of relevant case laws.

(CO3) [Analysis]

1. Critically evaluate the role of the judiciary in safeguarding freedom of speech and expression in India. Discuss landmark judgments that have shaped the jurisprudence surrounding this fundamental right and analyze the principles laid down by the courts to balance individual freedoms with reasonable restrictions.

(CO3) [Analysis]