

B.A. LL.B. (HONS.) DEGREE FIFTH SEMESTER EXAMINATION, DECEMBER 2020

CONSTITUTIONAL LAW II

Question carries 10 marks

Module 1

(Time 10.00 a.m.- 10.45 a.m (35 minutes for writing and 10 minutes for uploading)

1. a) Is constitutional amendment a “law” under Art. 13 of the Constitution? Discuss the concept by examining the different doctrines evolved and applied by judiciary in the interpretation of Art.13.

OR

- b) Trace the development of the concept of state under Art. 12 of the Indian Constitution by focussing on the judicial interpretations.

Module 2

(Time 10.45 a.m.-11.30 a.m (35 minutes for writing and 10 minutes for uploading)

2. a) Judicial tests of equality have taken a zigzag path, nevertheless ratio of Anwar Ali Sarkar still reigns. Substantiate.

OR

- b) The state government prescribed a rule by which 25 seats for MBBS and BDS courses in the state were reserved for the admission of students who were educated from class I to VIII in the common rural schools. Nithya, a young lawyer challenging this approached the court. Decide the matter by focusing on the twin test of classification.

Module 3

(Time 11.30 a.m.-12.15 p.m.(35 minutes for writing and 10 minutes for uploading)

3. a) “X”, a prisoner was released on parole. During his brief stay at his home he experienced that two police constables were constantly keeping a watch on him. He filed a petition in the court for violation of his fundamental rights. Decide.

OR

- b) The government employees of State Y gave notice to strike. Then the government banned the association and their activities among the government servants and also prohibited strikes by government servants. The government employees wish to approach the judiciary against the decision of the government on the ground that the decision is violative of their fundamental rights.

Module 4

(Time 12.15p.m.-1.00p.m.(35 minutes for writing and 10 minutes for uploading)

4. a) Define religion. Do you think the right to religion and secularism go hand in hand? Discuss the restrictions applicable to this fundamental right.

OR

b) Write a short note on

- i. Role of Advisory Board with respect to preventive detention.
- ii. Discuss the concept of beneficial construction related to the application of *ex post facto* laws.

Module 5

(Time 1.00 p.m.-1.45p.m.(35 minutes for writing and 10 minutes for uploading)

5. a) Judicial activism is a part of judicial review and by virtue of which people in India is enjoying the varied rights under Art.21 of the Constitution. Substantiate.

OR

b) Critically elucidate the evolution in the approach of Indian judiciary in deciding the cases of conflict between fundamental rights and DPSP.
