

B.A. LL.B., (Hons) DEGREE FIFTH SEMESTER EXAMINATIONS, NOVEMBER 2018

CONSTITUTIONAL LAW -II

Time: 3 Hours

Maximum Marks: 50

Answer FIVE of the following. **Question No. VIII is compulsory**. All question Carry EQUAL Marks

(Refer to case law)

(5x10=50)

- I. Explain the concepts of 'law' and 'law in force' vis-à-vis fundamental rights. Examine with the help of case law how far custom can be considered as law under Article 13.
- II. What are the various tests to determine the constitutionality of statutes?
- III. Distinguish the 'twin test' from the 'test of arbitrariness'.
- IV. What do you mean by backward classes? Examine the concept of equality with special reference to protection of backward classes.
- V. Examine the scope and extent of the right to religion under the Indian constitution. Discuss how far the right to religion is in tune with the basic feature of secularism.
- VI. What do you mean by minority? What are the rights of the minorities under the Indian constitution?
- VII. Critically examine how far Directive Principles of State Policy have been useful in the enforcement of fundamental rights
- VIII. It has been reported that there was an alarming increase in sexual offences against women while threatening of witnesses and paucity of evidence caused reduced rate of conviction. Hence, the Union Government decided to amend both the procedural and substantive laws dealing with/having implication on sexual offences. Accordingly, the Criminal Procedure Code was amended incorporating mandatory 'potency test' for the persons accused in sexual offences. It included testing of blood and DNA samples as well as various tests to determine the functioning of the sexual organs of the accused. The tests are to be conducted during conscious and unconscious states of mind of the accused. After the incorporation of the amendment in June 2018, the Supreme Court, in a public interest litigation filed by IYLA, an NGO for protection of women, ordered that the accused persons in all pending cases of sexual offences be subjected to the tests in accordance with the new provision. 'Raja' an accused in a case charged in May 2018 and 'Ram Pal' charged of rape alleged to have committed in July 2018 wish to challenge the amendment. Prepare grounds for both the accused.