

**B.A.LL.B. (Hons.) DEGREE FIFTH SEMESTER EXAMINATION NOVEMBER 2015**

**CONSTITUTIONAL LAW-II**

**Time: 3 Hours**

**Maximum Marks: 50**

**PART-A**

Answer **ANY FOUR** questions. Each question carries **TEN** marks

(Credit given for relevant case law)

**(4 x 10 = 40)**

- I. Discuss the development of the concept of State under Article 12 of the Indian Constitution.
- II. "Equality is antithetic to arbitrariness. The concept of equality cannot be cribbed, cabined and confined" – Elucidate
- III. Examine the concept of gender equality under the Indian Constitution.
- IV. "... Parts III and IV are like two wheels of a chariot, one no less important than the other. You snap one and the other will lose its efficacy... the Indian Constitution is founded on the bed-rock of the balance between Parts III and IV. To give absolute primacy to one over the other is to disturb the harmony of the Constitution. This harmony and balance ...is an essential feature of the basic structure of the Constitution." per Chandrachud CJ., in *Minerva Mills v. Union of India*, 1980 AIR 1789 – Comment.
- V. Examine the ingredients of the right to freedom of speech under the Indian Constitution.
- VI. Explain the concept of right against self incrimination under the Indian Constitution.
- VII. Explain the role played by the judiciary in protecting the fundamental rights during emergency.

**PART-B**

**COMPULSORY QUESTION.** Question carries **TEN** marks

**(1x 10 = 10)**

- VIII. As a policy to encourage the policy of nationalization the government issued the following order:
- (a) "All government servants and employees of public sector undertakings shall admit their children to government educational institutions at the primary through collegiate level. Provided that aided/minority educational institutional shall not be treated as government educational institutions.
  - (b) All government servants and employees of public sector undertakings (including their spouses and children) shall seek initial medical assistance only from medical hospitals and that they shall seek medical assistance from private hospitals only on reference by the government hospitals on the ground that the treatment is not available there."
  - (c) Non compliance of (a) & (b) shall be treated as violation of Conduct of Government Servants Rules, 1960."

Kiran, a government servant wishes to challenge the constitutionality of the above order. Advise him, explaining the grounds.