

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Fundamental Rights and Social Justice
Semester-I (Batch: 2019-20)

LL.M. End Semester Examination: November 2019

Date: 13th November, 2019

Duration: 3 hours

Max. Marks: 50

Instructions:

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

PART-A

Marks

Answer any three questions

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| Q.1 | Right to life under Article 21 includes all that goes along with it. Discuss the different facets of this right in the light of development in the field of science and technology along with judicial pronouncements. | (10) |
| Q.2 | Can reasonable restrictions extinguish the right itself? Discuss this in the light of <i>ADM Jabalpur vs Shivkant Shukla</i> Case. | (10) |
| Q.3 | The principle of equality before law means there should be equality of treatment under equal circumstances. But all persons are not equal by nature, attainment or circumstances and hence there cannot be absolute equality. Discuss the doctrine of equality incorporated in the Constitution of India with the help of the efforts of Indian Judiciary to maintain the same. | (10) |
| Q.4 | Discuss different protections available to the accused under the Constitution of India with the help of Supreme Court judgments. | (10) |

PART-B

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| Q.5 | “ <i>Golak Nath</i> raised an acute controversy in the country. One school of thought applauded the majority decision as a vindication of the Fundamental Rights, while the other school criticized it as creating hindrances in the way of enactment of socio-economic legislation required to meet the needs of a developing society.” In view of the above statement, discuss the majority judgement and its impact on Article 368 of the Constitution. | (10) |
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OR

The protection of fundamental rights to its citizens depends upon the ambit of the definition of ‘State’. The more broaden the definition of ‘State’ the more and more coverage and protection of fundamental rights to its citizens. Do you agree with this statement? Evaluate the role of judiciary in expanding the scope of the definition of ‘State’.

PART-C

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| Q.6 | In spite of a rich constitutional and traditional framework supportive of freedom of conscience and the right to practice, profess, and promote the religion of one’s choice, several Indian states have enacted anti conversion laws. Subject of Religion and religious affairs have not been covered in any of the three lists as | (10) |
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stipulated in the Constitution of India and therefore, the State Legislature has no legislative competency to legislate on matters pertaining to religion and religious affairs.

In view of the above statement, discuss the constitutionality of anti-conversion laws enacted by several states in India.
