

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Constitutional Law-I
Semester-III (Batch: 2018-23)

End Semester Examination: October-2019

Date: 14th October, 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 anything 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.
- Bar Act is not allowed.

Answer any five of the following questions.

Marks

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| Q.1 | Explain the meaning of ‘ <i>to be a witness against himself</i> ’ with the help of Supreme Court cases. Discuss the extent to which Narco-Analysis test, Polygraph test and the Brain Electrical Activation Profile test (BEAP test) are permissible under the Indian Constitution? | (10) |
| Q.2 | With the maturing of democracy, the free press has emerged as the most significant and crucial pillar of the State. The judiciary has also played a significant role in strengthening this pillar by preserving its freedom encroachment by the executive as well as the legislature. Discuss. | (10) |
| Q.3 | “Article 14 strikes at arbitrariness because an action that is arbitrary, must necessarily involve negation of equality. The doctrine of classification, which is evolved by the court is merely a judicial formula for determining, whether the legislature or executive action in question is arbitrary and, therefore, constituting denial of equality. If the classification is not reasonable and does not satisfy the two conditions, the impugned legislation or executive action would plainly be arbitrary and the guarantee of equality under Article 14 would be breached.” In light of the above statement, evaluate the role of judiciary in expanding the scope of Article 14 of the Constitution. | (10) |
| Q.4 | “ <i>Indra Sawhney v Union of India, AIR 1993 SC 477</i> is a very significant pronouncement of the Supreme Court on the question of reservation of posts for backward classes”. Discuss the legislative attempts, if any, to diminish the significance of this judgement. | (10) |
| Q.5 | Does the right to establish educational institution falls within the ambit of fundamental rights? Discuss the extent of State control in non-minority education institutions. | (10) |
| Q.6 | Discuss, whether the following falls within the ambit of fundamental right or not.
(a) Hawker’s right to trade on pavements
(b) Right to die | (10) |

- Q.7 Write short notes on the following:
- (a) Inter-relationship between fundamental rights
 - (b) Right against delayed execution

(2x5=
10)
