

**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

Course: **Constitutional Law-I**  
Semester- II (Batch: 2022-27)

**End Semester Examination: May 2023**

**Date: 03<sup>rd</sup> May, 2023**

**Duration: 3 hours**

**Max. Marks: 50**

**Instructions:**

- Read the questions properly and write the answers in the given answer book.
- Do not write anything on the question paper.
- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.
- Word Limit: 10 Marks: 800-1000 words.

Answer <b>any five</b> questions.		<b>Marks</b>
Q.1	What do you understand by the doctrine of Basic Structure? Discuss its evolution and identify at least three Articles/Constitutional amendments which were declared ultra vires by the Supreme Court of India applying the said doctrine.	(10)
Q.2	“After the Constitution (One Hundred and Second Amendment), the States had no power to identify socially, educationally and backward classes. The State Governments are still left free to decide the nature or extent of provision that may be made in favour of socially and educationally backward classes identified in accordance with Article 342A. However, the said power to identify socially, educationally and backward classes has been resorted back by the Constitution (One Hundred and Fifth Amendment) Act.” Discuss the above mentioned statement with the help of Constitutional provisions and Supreme Court cases.	(10)
Q.3	“The Constitution (One Hundred and Third Amendment) Act, 2019 has amended Articles 15 and 16 of the Indian Constitution by adding two new clauses viz., clause (6) to Article 15 with Explanation and clause (6) to Article 16; and thereby, the State has been empowered, inter alia, to provide for a maximum of ten per cent reservation for ‘the economically weaker sections’ of citizens other than ‘the Scheduled Castes’, ‘the Scheduled Tribes’ and the non-creamy layer of ‘the Other Backward Classes’.” The Constitutional validity of the said Amendment was challenged before the Supreme Court of India. The challenge to the Amendment is premised essentially on three-fold grounds. What are those grounds and discuss the majority opinion on those grounds.	(10)
Q.4	Explain the meaning of religious and linguistic minorities? Discuss the extent of State Control regarding reservation of seats or fixation of State quota in minority and non-minority educational institutions.	(10)
Q.5	What is Clause 4A of Article 16 of the Indian Constitution that deals with? Discuss the reasons for inserting the said Clause in Article 16 and its scope and ambit with the help of judgements of the Supreme Court.	(10)
Q.6	“The right against self-incrimination is a vital safeguard against torture and other ‘third-degree’ methods’ that could be used to elicit information. It serves as a check on police behaviour during the course of investigation. On the other side, it is argued that in	(10)

aiming to create a fair State-individual balance in criminal cases, the task of the investigators and prosecutors is made unduly difficult by allowing the accused to remain silent.” In light of the said statement, evaluate the role of judiciary in striking a balance between right of the accused and the interests of victims/State.

- Q.7 “Legal positivism and the theory of ‘original intent’ of the makers of the Constitution propounded in Gopalan’s case was abandoned in favour of an interpretation that would ensure just and fair laws under the Constitution.” Discuss. (10)

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