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NATIONAL LAW UNIVERSITY, JODHPUR

End-Term Examination, July-November 2023

Semester –UG I Semester

Subject: Constitutional Governance I

**Time: Three Hours**

**Marks: 100**

**Instructions:**

*This question paper contains six questions. You must answer any five.*

Q.1).

In December 1928, the Board of Control for Cricket in India (BCCI) was founded with the objective of breaking the British monopoly in cricket. Originally composed of six regional bodies, it has since expanded to encompass 30 full-time members and has a valuation of Rs 3,308 crore. Notably, the BCCI is not established by a specific law; instead, it is registered under the Societies Registration Act of 1860. It operates as an autonomous entity, free from external authority, including the Union of India, and is financially independent, with its accounts not subject to government scrutiny. Despite its dominant position in Indian cricket, the BCCI's monopoly is not a result of statutory or governmental designation. Rather, it has achieved this status through its enduring role in cricket administration, and there are no legal impediments to the formation of parallel organizations. The BCCI's Memorandum and Articles of Association, along with its rules and regulations, grant it significant authority in matters such as player selection for the Indian National team, the organization of cricketing events, the invitation of foreign teams to play in India, and the maintenance of discipline among players, umpires, and officials. Given these facts, the central question is whether the Board qualifies as "other authorities" as defined under Article 12 of the Constitution. Determine the above question after a comprehensive examination of relevant constitutional provisions and judicial decisions.

(Marks 20)

Q.2).

In the context of the contested provisions within uncodified Muslim Personal Law, particularly those alleged to display gender bias, how have the courts employed a *scrutinizing approach* towards assessing their constitutionality in accordance with the standards set by Fundamental Rights (Part III)?

(Marks 20)

Q.3)

"Following Rau's meeting with Frankfurter, the term 'due process of law' was deleted from the text of India's draft constitution, and replaced with the words 'procedure established by law'. Despite the conscious deletion of the phrase 'due process of law' from India's Constitution, the Supreme Court of India has, over the years, disregarded the original intent of the framers of the Constitution, and adopted some versions of the US doctrines of 'procedural due process' and 'substantive due process' into Indian constitutional law."

*-Abhinav Chandrachud, Oxford Handbook of Indian Constitutional Law*

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Do you agree with the above statement? Substantiate your answers with appropriate judicial decisions.

(Marks 20)

Q.4)

Analyse with the help of relevant judicial decisions how the Indian Judiciary's interpretation of the interplay between Fundamental Rights (Part III) and Directive Principles of State Policy (Part IV) has evolved from initially deeming Directives as subordinate and irrelevant to Fundamental Rights to establishing Directives as framework of values that structure and constrain the interpretation and construction of fundamental rights.

(Marks 20)

Q.5)

In this case, the Supreme Court of India is faced with a challenge regarding the constitutionality of Section 50 of the Rajasthan Excise Act, 1914, which prohibits the employment of women in areas where the public consumes liquor or intoxicating drugs. The central argument revolves around whether this provision infringes on several crucial articles of the Constitution of India, specifically Articles 14, 15, 19(1)(g), and 21. The State has offered a defence for the law, asserting that it is reasonable because it classifies men and women reasonably in accordance with its *Parens Patriae* authority. As one of the judges, make a decision on this matter after a thorough examination of the pertinent constitutional clauses and judicial precedents.

(Marks 20)

Q.6)

In the context of judicial decisions from *Romesh Thapar v State of Madras* (1950) to *Anuradha Bhasin v Union of India* (2020), how would you assess the Indian Judiciary's performance in creating a consistent framework that underscores the significance of speech standards and their consequences in instances of subversive speech aimed at the State? Justify.

(Marks 20)