

NATIONAL LAW UNIVERSITY, JODHPUR

End-Term Examination April- May 2024

Semester: UG VIII Semester (Constitutional Law Honours)

Subject: Constitutional Rights and Social Justice

Time: 3 Hours

Marks: 100

*Instructions**Answer any five questions.*

Q.1). To what extent do you find merit in the observation that the Supreme Court has demonstrated variance in its application of substantive and evidential standards of scrutiny when employing the test of proportionality across different judicial decisions? Justify.

(Marks 20)

Q. 2). When evaluating the enforcement of socio-economic rights before the courts in Ireland, India, and South Africa, what conclusions can be drawn about the effectiveness and desirability of such enforcement? The analysis should consider relevant constitutional provisions and judicial decisions.

(Marks 20)

Q.3). "Social action litigations come with *unusual problems*, never before so directly confronted by the Supreme Court. They seek *extraordinary remedies*, transcending the received notions of separation of powers and the inherited distinctions between adjudication and legislation on the one hand and administration and adjudication on the other. They bring, too, *a new kind of lawyering and a novel kind of judging.*"

-Upendra Baxi

In light of the preceding paragraph, elucidate *unusual problems* that led to the adoption of extraordinary procedures to advance *extraordinary remedies* that went beyond the traditional bounds of adversarial litigation.

(Marks 20)

Q.4). Was the invocation of the Essential Religious Practices (ERP) Test appropriate in resolving the dispute before the Supreme Court in *Aishat Shifa v The State of Karnataka* (2022)? Justify your opinion with relevant constitutional principles and judicial decisions.

(Marks 20)

Q.5) Considering the ongoing case of *Indian Union of Muslim League & Ors. v. Union of India & Ors. (Writ Petition (Civil) No. 1470 of 2019)*, which challenges the validity of the Citizenship Amendment Act, 2019, present your viewpoint either in favour of or against the argument that the law undermines the core principles of equality and secularism enshrined in the Constitution of India.

(Marks 20)

Q.6). Do the constitutional guarantees extended to the Scheduled Tribes in the Constitution of India align with the principles of social justice? Are these protections successfully implemented and accessible to them?

(Marks 20)