

7 MAY 2025

NATIONAL LAW UNIVERSITY, JODHPUR

End-Term Examination April-May 2025

Semester: UG II Semester

Subject: Constitutional Law -I (Compulsory)

Time: 3 Hours

Marks: 100

Instructions

Answer any five questions.

Q.1).

Meera Kapoor, a 29-year-old hospitality professional with over six years of experience, applied for the position of Operations Manager at *SkyVault*, a luxury rooftop bar in Bhopal, Madhya Pradesh. Her application was rejected. The management cited Section 47 of the Madhya Pradesh Excise Act, 1950 which prohibits the employment of women in establishments where liquor is served to the public.

The provision states that no woman shall be employed in any capacity in such premises - bars, hotels, clubs, or restaurants unless specifically permitted by the State Government. Framed as a measure to uphold "public morality and women's safety," the law imposes penalties on license holders who violate it, including fines and suspension of liquor licenses.

Shocked and disappointed, Meera filed a writ petition before the Madhya Pradesh High Court challenging the statute's constitutional validity. She claimed that the statute violates Articles 14, 15, 19 and 21 of the Constitution. In response, the State of Madhya Pradesh defended the provision on the grounds of its *parens patriae* jurisdiction to ensure public safety and morality; especially considering the nature of workplaces like bars and nightclubs that operate late into the night. It argued that the intent is not to discriminate but to ensure the safety and dignity of women, which it claims is a legitimate and constitutionally permissible objective. Decide the matter with appropriate cases and constitutional provisions.

(Marks 20)

Q.2).

Ayesha Khan, a 35-year-old woman from Pune, was married to Farhan Khan for 10 years. Over time, Ayesha's health declined due to a chronic illness, making it difficult for her to manage the household. Instead of supporting his wife, Farhan secretly married Fatima, a younger woman, without consulting Ayesha. He justified his actions using limited polygamy under Islamic law, claiming that it was his right to marry another woman. Farhan began neglecting Ayesha, giving all his attention to Fatima, while Ayesha felt betrayed and isolated. Humiliated and emotionally distressed, Ayesha filed a petition in the Bombay High Court, challenging Farhan's actions and the practice of limited polygamy. She argued that Farhan's second marriage was not about fairness but about exploiting his position and undermining her dignity. The State of Maharashtra emphasized that no practice, even if religious, should violate fundamental rights, particularly those related to equality and personal autonomy. Farhan Khan argued that uncodified Muslim personal law cannot be tested against the touchstone of Fundamental Rights as per the ruling in *State of Bombay v. Narasu Appa Mali*, AIR 1952 Bom 84.

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Decide whether the practice of limited polygamy in Islam can be tested on the basis that it violates Part III of the Constitution.

(Marks 20)

Q.3).

“The courts have accomplished an end-run around the non-enforceability of the DPSPs by developing a jurisprudence that interprets the Fundamental Rights chapter in light of the DPSPs, and virtually incorporates some of the DPSPs into Part III, despite the constitutional separation between the two.”

Gautam Bhatia, The Oxford Handbook of the Indian Constitution

With the help of decided cases, explain how the judiciary has harmonised the Directive Principles with Fundamental Rights to further the goals of the Constitution.

(Marks 20)

Q.4).

Over the years, the Supreme Court has employed varying tests, from the structural-control based test to the function-based test, to interpret ‘other authorities’ under Article 12. Examine how these tests have been applied across different cases, and analyse the implications of this doctrinal evolution for identifying State actors under the Constitution.

(Marks 20)

Q.5).

With reference to any two landmark judicial decisions, explain how the Supreme Court applied a test of constitutional analysis that aligns with the doctrine of substantive due process. Critically evaluate the implications of this approach for the protection and expansion of Fundamental Rights.

(Marks 20)

Q.6).

The Constitution empowers Parliament to amend any of its provisions under Article 368, including those relating to Fundamental Rights. In the context of India’s constitutional evolution, critically examine whether there should be constitutional or judicial limits on Parliament’s amending power. What is the rationale for imposing such restrictions in a constitutional democracy?

(Marks 20)

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Q.1).

The twin test of equality has played a significant role in the pursuit of gender justice within Indian constitutional law. In light of ongoing structural discrimination and gender inequality, how effective has this test been in addressing the deep-rooted causes of such disparities? Illustrate your response with any two judicial decisions.

(Marks: 20)

Q.2).

The National Football Federation (NFF) is a private body responsible for the regulation and management of football in India. It organizes domestic football leagues, manages the selection of players for the national team, and coordinates the hosting of international football events in the country. The Federation was established in 1945 and operates as an autonomous, non-governmental body, governed by elected officials and members.

The Federation has significant ties to the government and has received substantial financial support in the form of grants, tax exemptions, and subsidies. Furthermore, it has access to state-owned sports facilities for its activities, including training camps, league matches, and other events. The government has also funded various infrastructure projects aimed at promoting football in different parts of the country, some of which are directly managed by the Federation. In recent years, the government has taken an active role in regulating sports through initiatives such as the National Sports Development Fund and state-sponsored programs aimed at grassroots development. While the Federation maintains its autonomy, the government's involvement in football, especially through funding and infrastructure development, has increased in recent years.

The National Football Federation has implemented a new policy that mandates all players participating in national-level leagues to sign a code of conduct. This includes restrictions on personal activities, such as media interactions, social media usage, and compulsory participation in state-sponsored fitness and training programs. The policy also imposes specific behavioral guidelines and fitness standards that players must adhere to in order to compete in national tournaments. In addition, the Federation plays a key role in regulating football standards, overseeing player transfers, and ensuring compliance with international football regulations. The Federation is also responsible for the creation of the national football calendar and the management of the national team selection process. Although the Federation is heavily reliant on government support, it operates independently in terms of decision-making, as its officials are elected by the Federation's members rather than appointed by the government. The government's role is primarily financial and infrastructural, with no direct control over the Federation's day-to-day operations.

Recently, a group of players, including Abhinav Dixit, challenged the new policy, arguing that it violates their fundamental rights to equality and livelihood. In order to decide the case, the court must determine whether the National Football Federation, due to its government ties and public functions, qualifies as a "State" under Article 12 of the Constitution. Decide the matter.

(Marks: 20)

Q.3).

Fatima Begum, a 50-year-old Muslim woman, was married for 28 years before being divorced by her husband through triple talaq. During the marriage, Fatima was a homemaker with no independent income. The couple has three children, aged 17, 12 and 9, who have remained in her custody since the divorce. At the time of divorce, her husband paid a lump sum of ₹50,000, asserting that his financial obligation ended with the completion of the *iddat* period. He claimed that, under the Muslim Women (Protection of Rights on Divorce) Act, 1986, he had fulfilled all legal duties and that Fatima had no further claim to maintenance. Fatima, unable to meet her and her children's basic needs, approached the court seeking monthly maintenance as the denial of the same violates her constitutional rights to dignity, equality, and livelihood. Decide the matter by applying appropriate judicial precedents.

(Marks: 20)

Q.4).

The *basic structure doctrine*, which limits Parliament's power to amend certain provisions, raises questions about judicial overreach versus constitutional protection. Is it an essential safeguard to prevent Parliament from altering the core framework that upholds the legitimacy of the Constitution and the protection of individual rights or does it represent an undue restriction on parliamentary sovereignty? Comment.

(Marks: 20)

Q.5).

The journey from *Naz Foundation v Government of NCT of Delhi* (2009 SCC OnLine Del 1762), to *Navtej Singh Johar & Others v Union of India*, (2018) 10 SCC 1, marks a significant transformation in the constitutional understanding of equality in India. Critically examine how the concept of equality was interpreted in both cases. In what ways did *Navtej Singh Johar* expand, revise or depart from the framework laid down in *Naz Foundation*?

(Marks: 20)

Q.6).

Explain, with reference to relevant case laws, how the judiciary has integrated the Directive Principles of State Policy (DPSPs) with Fundamental Rights, effectively overcoming the constitutional separation between Part III and Part IV, to promote the broader goals of justice, equality, and social welfare under the Indian Constitution.

(Marks: 20)