BLOGS

MCQ’s on Constitutional Law for CLAT PG [Part 7]

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The Constitution is not merely a document of governance; it embodies a transformative vision that seeks to dismantle entrenched structures of exclusion and inequality. At its core lie the values of liberty, dignity, and equality, which together form the moral foundation of constitutional democracy. Any law that entrenches stigma, subordination, or social invisibility of a class of persons must be tested against these foundational principles.

A criminal provision that intrudes into the private sphere of consensual adult relationships does not merely regulate conduct; it shapes social meaning. By attaching criminality to intimate choices, the law legitimises prejudice and reinforces social stereotypes. The harm caused is not confined to the threat of prosecution but extends to the denial of equal citizenship and the erosion of self-worth. Constitutional adjudication must therefore assess not only the formal object of a law but its lived impact on fundamental rights.

Equality under Article 14 is not a mechanical formula of classification. It is a substantive guarantee against arbitrariness in State action. When the State singles out certain forms of intimacy as “unnatural” without a rational foundation rooted in constitutional values, it substitutes moral disapproval for constitutional reasoning. Such a law fails to satisfy the requirement that differential treatment must bear a rational nexus to a legitimate objective.

The right to life under Article 21 has evolved beyond mere physical existence to include the right to live with dignity, autonomy, and self-expression. Sexual orientation is an essential attribute of identity, and the freedom to express that identity through intimate association lies at the heart of personal liberty. The Constitution protects the individual’s right to make choices central to personal identity without undue State interference.

Constitutional morality must prevail over social morality. While popular opinion may reflect deeply held beliefs, the Constitution exists precisely to protect minorities from the tyranny of the majority. Courts, as guardians of fundamental rights, cannot abdicate their role by deferring to prevailing moral sentiment when it conflicts with constitutional guarantees.

The persistence of colonial-era laws that reflect outdated moral frameworks must be evaluated in light of contemporary constitutional commitments. A transformative Constitution does not merely preserve inherited legal structures; it interrogates them. Where a law enforces conformity at the cost of liberty and dignity, it stands in opposition to the constitutional promise of equal respect for all individuals.

Extract adapted from Navtej Singh Johar v. Union of India (2018)

1. The idea that a criminal law may violate Article 14 not merely due to unreasonable classification but due to its symbolic and expressive harm most closely reflects which doctrinal shift?

a. From formal equality to proportionality

b. From reasonable classification to arbitrariness

c. From procedure established by law to substantive due process

d. From judicial restraint to political question doctrine

2. Which case first decisively rejected the notion that "popular morality" can justify State intrusion into intimate conduct?

a. Maneka Gandhi v. Union of India

b. Suresh Kumar Koushal v. Naz Foundation

c. Naz Foundation v. NCT of Delhi

d. K.S. Puttaswamy v. Union of India

3. The extract's emphasis on the "lived impact" of a law aligns most directly with which constitutional methodology?

a. Textualism

b. Formalism

c. Transformative constitutionalism

d. Strict scrutiny

4. Which of the following best explains why Navtej Singh Johar departs from the reasoning in Suresh Kumar Koushal?

a. Navtej treated privacy as absolute

b. Koushal treated Article 21 as derivative of Article 19

c. Navtej rejected majoritarian morality as a constitutional standard

d. Koushal upheld Section 377 solely on public health grounds

5. The proposition that sexual orientation is an essential attribute of identity draws its strongest doctrinal foundation from:

a. Article 15(1) alone

b. Article 19(1)(a)

c. Article 21 read with dignity

d. Directive Principles of State Policy

6. Which case most clearly established that arbitrariness itself constitutes a violation of Article 14?

a. Maneka Gandhi v. Union of India

b. E.P. Royappa v. State of Tamil Nadu

c. Shayara Bano v. Union of India

d. State of West Bengal v. Anwar Ali Sarkar

7. In Navtej Singh Johar, constitutional morality operates primarily as:

a. A replacement for legislative intent

b. A check on judicial activism

c. A normative limitation on State power

d. A justification for social reform

8. Which interpretive move distinguishes Maneka Gandhi from earlier Article 21 jurisprudence and enables later privacy-based reasoning?

a. Incorporation of American Bill of Rights

b. Linking Articles 14, 19, and 21

c. Expansion of emergency powers

d. Adoption of originalism

9. The extract's rejection of colonial moral frameworks most strongly resonates with which constitutional idea?

a. Living Constitution

b. Original intent

c. Parliamentary supremacy

d. Constitutional silence

10. Which of the following best captures the constitutional flaw in Section 377 as identified in Navtej?

a. It lacked legislative competence

b. It failed procedural safeguards

c. It imposed disproportionate restrictions on intimate autonomy

d. It conflicted with international treaties

11. Which judgment most explicitly treated privacy as a condition precedent for dignity?

a. Naz Foundation

b. Koushal

c. Puttaswamy

d. Maneka Gandhi

12. The Court's refusal to defer to societal disapproval reflects which counter-majoritarian principle?

a. Separation of powers

b. Judicial supremacy

c. Protection of minorities from majoritarian excess

d. Doctrine of political questions

13. Which conceptual error in Koushal was expressly corrected in Navtej?

a. Treating LGBTQ+ persons as a negligible minority

b. Overreliance on foreign jurisprudence

c. Misapplication of Article 19

d. Treating Section 377 as gender-neutral

14. The idea that the Constitution must "interrogate inherited legal structures" most closely aligns with which scholar's view?

a. Dicey

b. Austin

c. Upendra Baxi

d. H.L.A. Hart

15. Which doctrinal combination ultimately anchors the decriminalisation of consensual same-sex relations in Navtej?

a. Article 14 + reasonable classification

b. Article 15 + affirmative action

c. Articles 14, 19, and 21 read together

d. Article 25 + secularism

Answers

1. Correct Answer: B – From reasonable classification to arbitrariness

Explanation: The Court moves beyond the traditional two-pronged classification test and treats *arbitrariness itself* as unconstitutional. The expressive harm of criminalising identity reflects the *Royappa–Maneka* line of Article 14 jurisprudence.

2. Correct Answer: C – Naz Foundation v. NCT of Delhi

Explanation: Naz Foundation was the first to reject social morality as a justification for criminalisation, holding that constitutional morality must prevail. *Navtej* revives and strengthens this reasoning after *Koushal* reversed it.

3. Correct Answer: C – Transformative constitutionalism

Explanation: Assessing the real-world impact of law on dignity and identity is the hallmark of transformative constitutionalism, which treats the Constitution as an instrument of social change, not mere governance.

4. Correct Answer: C – Navtej rejected majoritarian morality

Explanation: Koushal deferred to legislative and societal morality, whereas Navtej held that constitutional rights cannot depend on popular approval.

5. Correct Answer: C – Article 21 read with dignity

Explanation: Sexual orientation is protected as an aspect of dignity, autonomy, and self-expression under Article 21, reinforced by Puttaswamy.

6. Correct Answer: B – E.P. Royappa

Explanation: Royappa established that “equality is antithetic to arbitrariness”, laying the foundation later applied in Maneka Gandhi and Navtej.

7. Correct Answer: C – A normative limitation on State power

Explanation: Constitutional morality restricts State action even when popular sentiment supports it, functioning as a substantive constitutional constraint.

8. Correct Answer: B – Linking Articles 14, 19, and 21

Explanation: Maneka Gandhi dismantled the silos between rights, enabling later dignity- and privacy-based reasoning.

9. Correct Answer: A – Living Constitution

Explanation: Rejecting colonial morality reflects the idea that constitutional meaning evolves with contemporary values.

10. Correct Answer: C – Disproportionate restriction on autonomy

Explanation: Section 377 criminalised consensual intimacy, violating proportionality and personal autonomy under Articles 14 and 21.

11. Correct Answer: C – Puttaswamy

Explanation: Puttaswamy explicitly located privacy within dignity and autonomy, directly influencing Navtej.

12. Correct Answer: C – Protection of minorities

Explanation: Courts exist to protect minorities from majoritarian prejudice — a classic counter-majoritarian role.

13. Correct Answer: A – Treating LGBTQ+ persons as negligible

Explanation: Koushal trivialised rights violations by calling the affected group “minuscule”, which Navtej rejected as constitutionally irrelevant.

14. Correct Answer: C – Upendra Baxi

Explanation: Baxi’s theory of transformative constitutionalism emphasises dismantling inherited injustices embedded in law.

15. Correct Answer: C – Articles 14, 19, and 21 read together

Explanation: The combined reading ensures equality (14), expression and association (19), and dignity and autonomy (21).