


Name:	 UPES <small>UNIVERSITY WITH A PURPOSE</small>
Enrolment No:	

**UNIVERSITY OF PETROLEUM AND ENERGY
STUDIES**

Online End Semester Examination, May 2020

Course: Jurisprudential Approach to Constitutional Law

Semester: VII

Program: B.A.LLB. (CL/LL/CL)

Time 03 hrs.

Course Code: CLCT 4001

Max. Marks: 100

SECTION A

1. Each Question will carry 5 Marks

S. No.	Question	CO
Q 1	What do you understand by A.V. Dicey's third principle of rule of law i.e. 'the predominance of legal spirit'	CO 1
Q2	Explain the term 'constitutional morality'	CO 1
Q3	Enumerate the chief features of preamble of constitution.	CO 1
Q4	What is Post Modernism?	CO 1
Q5	What do you understand by the term 'Intersectional Feminism'?	CO 1
Q6	What do you mean by 'Anti-Natalism'?	CO 1

Section B

1. Each question will carry 10 marks

Q7	Trace out the legal contributions of Justice V.R. Krishna Iyer to the development of Indian jurisprudence with the help of case laws.	CO 2
Q8	Analyse the judicial creativity in expanding horizons of environmental jurisprudence in India with the help of case laws.	CO 2

	Or	
	Examine the impact of post modernism philosophy on the third wave of feminist movement with the help of suitable examples.	
Q9	Discuss the principle of proportionality and its application in Indian law. Is the Supreme Court of India disproportionately applying the proportionality principle? Support your answer with proper reasoning.	CO 2
Q10	Examine the chief features of the book 'Manufacturing Consent: The Political Economy of the Mass Media' and its relevance in contemporary scenario especially Indian scenario.	CO 2
Q11	In what ways constitutional democracy is important for a multicultural society? In your opinion, what are the main challenges facing democracy today? Support your answer with suitable examples and reasoning.	CO 2
Section C		
1. Each question will carry 10 marks. Attempt only two questions.		
2. Instruction: Write short / brief notes		
Q12	Almost all countries consider it necessary to write a constitution, describing in a hierarchical manner the main institutions of government and establishing the ways by which power to be exercised. For many states, the Constitution is a symbol of nationality. However, in emerging countries (especially those who got freedom from colonial rule), the Constitution is used to express a new emerging order. In the light of given fact, critically evaluate the role played by comparative constitutional law branch of study and also the challenge it poses in the development of modern constitutions with the help of suitable examples.	CO 3
Q.13	Plato wrote: "Where the law is subject to some other authority and has none of its own, the collapse of the state, in my view, is not far off; but if law is the master of the government and the government is its slave, then the situation is full of promise and men enjoy all the blessings that the gods shower on a state". Against this backdrop, trace out the philosophical basis of the idea of rule of law and also examine the position of rule of law in Indian legal system with the help of constitutional provisions and judicial decisions.	CO 3

Q.14	Chief Justice Misra (on behalf of himself and J. Khanwilkar) in Navtej Singh Johar v. Union of India case relied on the principles of transformative constitutionalism and progressive realization of rights to hold that the constitution must guide the society's transformation from an archaic to a pragmatic society where fundamental rights are fiercely guarded. Against this backdrop, critically evaluate the originalist & non-originalist approaches to constitutional interpretation. What are appropriate sources of authority to guide interpretation of the Constitution and what relative weight should be assigned to the various appropriate sources?	CO 3
------	---	------