


| Name: | |  | |
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| Enrolment No: | | | |
| UPES End Semester Examination, May 2024 | | | |
| Course: Making of the Indian Constitution Program: BA/BBA/B.com LL.B. (CNTL Hons.) Course Code: CLCT 3002 | | Semester: VI Time: 03 hrs. Max. Marks: 100 | |
| Instructions: i.) Read all questions carefully. ii.) There is prescribed response limit for some sections, please adhere to the guidelines for them. | | | |
| SECTION A (5Qx2M=10Marks) <i>Maximum response limit is 5 lines</i> | | | |
| S. No. | | Marks | CO |
| Q 1 | Henry II passed a set of legislative procedures in 1164. What are they collectively called? | 2 | CO1 |
| Q 2 | 'Poona Pact' was a consequence of communal award in form of separate electorate. Which British Prime Minister announced it? | 2 | CO1 |
| Q 3 | Who is the author of "Gandhian Constitution for Free India"? | 2 | CO1 |
| Q 4 | What is significance of 23 March 1940 for Constitutional history of Pakistan? | 2 | CO1 |
| Q 5 | Who wrote <i>Sapere Aude</i> and what is its significance of modern constitutionalism? | 2 | CO1 |
| SECTION B (4Qx5M= 20 Marks) <i>Maximum response limit is 1 page</i> | | | |
| Q 6 | Describe the significance of Queen Victoria's proclamation , made on 1 November 1858. | 5 | CO2 |
| Q 7 | Explain two important provisions of Government of India Act, 1858 | 5 | CO2 |
| Q 8 | Briefly state the Cabinet Mission Plan scheme for election to Constituent Assembly? | 5 | CO1 |
| Q 9 | Article 356 concerning Presidents' Rule owes its origin to Section 93 of Government of India Act 1935. Comment on the legacy of Section 93 in the context of federal structure of India. | 5 | CO2 |
| SECTION-C (2Qx10M=20 Marks) | | | |
| Q 10 | The Government of India Act was passed by the British parliament in 1935 and came into effect in 1937. It was based on a report by a Joint | 10 | CO3 |

| | Select Committee, led by Lord Linlithgow, set up the two houses of the British parliament. However, the Act was not successful due to myriad of reasons. Analyze the causes for failures of Government of India Act 1935. | | | | | | | | | | | | | | | | | | | | |
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| Q 11 | Dr. Ambedkar while defending the draft constitution stated – As to the accusation that the Draft Constitution has produced a good part of the provisions of the Government of India Act, 1935, I make no apologies. There is nothing to be ashamed of in borrowing. It involves no plagiarism. Nobody holds any patent rights in the fundamental ideas of a Constitution. Based on the above excerpt and your reading of the Constituent Assembly debates – Assess whether Constitution of India, 1949 should be called ‘Constitution made by Indians’ or ‘Colonial Constitution’? Substantiate your response using relevant examples. | 10 | CO3 | | | | | | | | | | | | | | | | | | |
| SECTION-D (2Qx25M=50 Marks) | | | | | | | | | | | | | | | | | | | | | |
| Q 12 | Michael Klarman in his seminal paper, <i>what’s so great about Constitutionalism</i> stated that there are ten leading principles of modern constitutionalism. (i) Define Modern Constitutionalism and Analyze five salient features of modern Constitutionalism. (15 marks) (ii) Apply the tenets of modern constitutionalism and critically analyze any one of the below landmark judgments of Supreme Court in 2023/2024. (10 marks) | 25 | CO4 | | | | | | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">S.No</th> <th style="text-align: center;">Case Name</th> <th style="text-align: center;">Description</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1.</td> <td><i>In Re: Article 370 of the Constitution</i></td> <td>Challenge to the abrogation of Article 370</td> </tr> <tr> <td style="text-align: center;">2.</td> <td><i>Supriyo @ Supriya Chakraborty v Union of India</i></td> <td>Plea for marriage equality</td> </tr> <tr> <td style="text-align: center;">3</td> <td><i>Government of NCT of Delhi v Union of India</i></td> <td>The Lieutenant Governor and control over the NCT of Delhi</td> </tr> <tr> <td style="text-align: center;">4</td> <td><i>Animal Welfare Board of India v Union of India</i></td> <td>Jalikattu practice</td> </tr> <tr> <td style="text-align: center;">5</td> <td><i>Association for Democratic Reforms v Union of India</i></td> <td>Constitutionality of the Electoral Bond Scheme</td> </tr> </tbody> </table> | | | | S.No | Case Name | Description | 1. | <i>In Re: Article 370 of the Constitution</i> | Challenge to the abrogation of Article 370 | 2. | <i>Supriyo @ Supriya Chakraborty v Union of India</i> | Plea for marriage equality | 3 | <i>Government of NCT of Delhi v Union of India</i> | The Lieutenant Governor and control over the NCT of Delhi | 4 | <i>Animal Welfare Board of India v Union of India</i> | Jalikattu practice | 5 | <i>Association for Democratic Reforms v Union of India</i> | Constitutionality of the Electoral Bond Scheme |
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| 5 | <i>Association for Democratic Reforms v Union of India</i> | Constitutionality of the Electoral Bond Scheme | | | | | | | | | | | | | | | | | | | |
| Q 13 | Preamble of Constitution of India States: WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens: | 25 | CO4 | | | | | | | | | | | | | | | | | | |

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| | <p>JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and of opportunity; and to promote among them all FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;</p> <p>In 2024, Government of India wants to amend the Preamble so that it can represent the constitutional values in the contemporary world. They consulted YOU to amend it.</p> <p>In the context of above:</p> <p>(i) Enumerate atleast five (5) changes (addition of any term/ omission/ modification/ amendment, etc.) that YOU would recommend. (15 marks)</p> <p>(ii) Substantiate YOUR recommendations (the one that you have enumerated above) by giving relevant examples. (10 marks)</p> | | |
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