

Roll No.
SAP ID



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
Online End Semester Examination, Dec 2020

Course: Constitutional Amendment Procedure
Programme: ...B.A.,LL.B..CL.....

Course Code:LLBL 536
Semester:IX.....

Time: 03 hrs.

Max. Marks: 100

SECTION-A

- 1. Each Question carries 5 Marks**
- 2. Attempt all the questions**

S. No.	Define the following	Marks	CO
1	Amendment	5	CO1
Ans.			
2	Basic Structure	5	CO1
Ans.			
3	Judicial Review	5	CO1
Ans.			
4	Constituent Power	5	CO1
Ans.			
5	Doctrine of Prospective Overruling	5	CO1
Ans.			
6	Doctrine of Stare Decisis	5	CO1
Ans.			

SECTION-B

- 1. Each Question carries 10 Marks**
- 2. Attempt all the questions**

S. No.	Questions	Marks	CO
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7	In order to remove the difficulties created by the decision of the Supreme Court in Golak Nath's Case Parliament enacted the 24 th Amendment Act. In lieu of the above statement, critically analyse the 24 th Amendment Act.	10	CO2
Ans.			
8	Write a short note on the procedure laid down under Article 368 for the amendment of the Indian Constitution.	10	CO3
Ans.			
9	Write a short note on the 42 nd Amendment Act of the Indian Constitution. Elaborate the changes brought in by the said Amendment.	10	CO3
Ans.			
10	The nature of the amending process envisaged by the framers of the Constitution can best be understood by referring the following observation of the late Prime Minister Pt. Nehru "While we want this Constitution be as solid as permanent as we can make it, there is no permanence in the Constitution. There should be certain flexibility." In lieu of the above statement, Explain the need for Constitutional Amendment.	10	CO4
Ans.			
11	Article V of the Constitution of U.S.A. describes the process for amending the Constitution. Elaborate in details the process for amending the American Constitution.	10	CO2
Ans.			
SECTION-C			
<p>1. Each Question carries 20 Marks 2. Attempt all the questions</p>			
S. No.		Marks	CO4
12 a)	Judicial review is a basic feature of the Constitution; to insert in the Ninth Schedule an Act which, or part of which, has been struck down as unconstitutional in exercise of the power of judicial review is to destroy or damage the basic structure of the Constitution. In lieu of the above statement analyse the judgement pronounced in <i>I.R.Coelho v. State of Tamil Nadu</i> .	20	CO4
b)	In the pith of the substance, the main aim of the 39 th Amendment Act was to reverse the High Court's judgement that invalidated Indira Gandhi's election. Instead of resigning, Mrs. Gandhi imposed emergency and passed the draconian 39th Amendment Act, 1975. In the Light of the above statement, analyse the judgement pronounced in <i>Indira Nehru Gandhi v. Shri Raj Narain</i> .		
Ans.			