

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES End Semester Examination, December 2021

Semester: VII

Course: Jurisprudential Approach to the Constitution Program: BA LL.B(H) (CNTL)

Duration: 03 hrs. Max. Marks:100

4Q x5M=20

Program: BA LL.B(H) (CNTL) Course Code: CLCT 4001

(Conceptual based question)

Instructions:

SECTION A

(Type the answers in test box)

Objective Type Questions/Definitions/fill in the blanks		5Qx2M=10 Marks	
Q. No.		Marks	CO
1	Define judicial restraint.	2	1
2	What do you understand by Equality before law?	2	1
3	Mention the articles that are known to be the golden triangle of Indian Constitution.	2	1
4	Importance of Preamble to the Constitution.	2	1
5	Dicey's concept of Rule of Law.	2	1

SECTION B

(Scan and upload)

		Marks	
Q. No.		Marks	
1	Constitutionalism is not merely a bundle of constitutional rules but rather a way of political life of a nation- Critically analyze this statement.	5	2
2	It is Judicial review that makes Constitutional Provisions more than mere maxims of political morality. In practice, there can be no Constitution without Judicial review. Discuss this statement in context to Indian practice.	5	2
3	Women's subordination and oppression happened to be universal and all pervasive- Analyze this statement and explain how Indian constitution and courts are acting as flag bearers of gender justice.	5	2
4	What is judicial overreach? Can you give some examples of Judicial Overreach?	5	2

SECTION-C

(Scan and upload)

(Descriptive/Analytical Questions)

2Qx10M=20 Mark

Q.No.		Marks	CO
1	I like the religion that teaches liberty, equality and fraternity- Critically analyze		

	this statement of Dr. B.R Ambedkar in the context of Indian Constitution.	10	3	
2	The principle of separation of powers in common law countries cannot function except in association with the theory of checks and balances and an impartial and independence judiciary as a watch dog. Discuss	10	3	
	SECTION-D			
(Case S	(Scan and upload) (Case Studies/ Application Based Questions)		2Qx25M =50 Marks	
Q.No.		Marks	CO	
2	Realist school of jurisprudence treat judges as the creators of law. The jurists of realist school present the analysis of role of the judges and factors influencing the judges in performing their role. This school of thought propound a theory that law is what judges said. Upendra Baxi's opinion on the judge's role in converting fragments into final products reflect the same idea of thought. If we analyze the significance of this thought of jurisprudence in Indian context, we could agree with this thought. Article 21 of the Constitution simply says that, "no person shall be deprived of his life or personal liberty except according to procedure established by law" But with the passage of time, through the judicial interpretation, different dimensions have been given to this Article and resultantly so many rights and freedoms are part and parcel of Article 21. In this way it could be said that judges are creators of law instead of merely dictators of law. i) Make a jurisprudential analysis of the journey from procedure established by law to just fair and reasonable law with respect to Article 21 of the Indian Constitution with the help of case laws. ii) Constitutional text is merely fragment, only judges can convert this text into a final product'- Critically evaluate this statement of Upendra Baxi.	15	3	
	Judiciary as an institution perform multi-dimensional role in constitutional democracy. There are number of jurisprudential thoughts on the role of judges. But the best way to determine the role of the judges is the analysis of the case laws of any country. Many a time judges take inspiration from the foreign judgments and decide the cases in Indian context. Explain the above statement in the light of judgments delivered by Supreme Court in K.S Puttaswami & others v. Union of India and others as well as Navtej Sngh Johar and others v. Union of India highlighting the use of foreign judgments in interpreting the changing conception of the constitutional morality with the passage of time.	25	3	