

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, December 2021

Semester: IX

Duration: 03 hrs. Max. Marks:100

Course: Constitutional Amendment Procedure Program: BA LL.B (Hons.) (Constitution Law)

Course Code: CLCT5002

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 'Referendum'.	2	1
2	Difference between simple majority and special majority.	2	1
3	Illustrate the difference between <i>preferential vote system</i> and <i>First past the post system</i> through examples.	2	1
4	Explain the difference between <i>new constitution</i> and <i>revising a constitution</i> .	2	1
5	Explain 'Legislative Supermajority'.	2	1

SECTION B

(Scan and upload)

(Conceptual based question)

 $4Q \times 5M = 20$

Marks

Q. No.		Marks	
1	Discuss the factors that influence the choice between making and amending a Constitution.	5	2
2	Explain Article 368 and the provisions requiring special majority under Article 368.	5	2
3	Explain the importance of consent of states/ composite units in amendment of the Constitution with reference to India.	5	2
4	Discuss the changes brought by Indian Essential Features case in relation to amendment of the Constitution.	5	2

SECTION-C

(Scan and upload)

(Descriptive/Analytical Questions)

2Qx10M=20 Mark

Q.No.		Marks	CO
1	Judicial Review and Conventions are also means by which Constitutions can mutate. Critically analyze with the help of case studies.	10	
			3
2	Elucidate on the various amendment formulas/ basic design options to amend a	10	-
	Constitution. Explain the design options applied in relation to the Indian		3

	Constitution with examples.					
	SECTION-D					
(Scan and upload) (Case Studies/ Application Based Questions)		2Qx25M =50 Marks				
Q.No.		Marks	CO			
1	Courts in some countries, including India, Papua New Guinea and Taiwan, have gone further and considered whether the substance of a constitutional amendment is consistent with the existing constitution, applying what sometimes is called the basic structure doctrine. In some contexts, judicial oversight of this kind might provide an important check on constitutional amendment, inhibiting abuse by powerful actors.		4			
	Critically analyze the basic structure doctrine in relation to India with the help of judicial interpretation. Judicial review can put a brake on constitutional reforms; can act conservatively to entrench the status quo; Critically analyze.	15 10				
2	Constitutionalism lives on a differentiation between the constitutional level and the level of ordinary law. [] A constitution determines the principles and procedures for political decisions which are made on the basis and within the framework of the constitution on a day-to-day-basis, and according to the preferences of those who have won elections. [] If politicians can decide on the framework in the same way they are allowed to act within the framework, the difference between constitution making and law making, and the difference between the constitutions for political decisions and these decisions themselves, disappears. The constitution loses its function. [] [Thus], constitution making should differ from law making not only in terms of the quorum, but also in terms of actors and procedures.'		4			
	Critically analyze 'Constitutions have to be responsive to social change in the light of Article 368.' With the help of Keshavananda Bharti case.	15				
	Elucidate the amendments in Article 368 and the judicial interpretations that Article 368 has faced.	10				