


Name:			
Enrolment No:			
UPES End Semester Examination, December 2023			
Course: Transformative Constitutionalism Program: BA. LL.B (Constitutional Law) Course Code: CLCT4006		Semester: VII Time : 03 hrs. Max. Marks: 100	
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	What degree of intensity the Court will use to interrogate the link between policy measure and goal within this means-end justificatory review model?	2	CO1
Q 2	How do you measure the degree of constitutionalization?	2	CO2
Q 3	Who stated that there is no single stable understanding of transformative constitutionalism?	2	CO1
Q 4	Explain the minimum protection approach.	2	CO2
Q 5	Identify the two important doctrines which give rise to the Interpretation of the Constitution	2	CO2
SECTION B (4Qx5M= 20 Marks)			
Q 6	‘The Constitution invites a new imagination and self-reflection about legal method, analysis and reasoning consistent with its transformative goals	5	CO2
Q 7	Explain the relation between positive legal culture and transformative characteristics of the constitution.	5	CO1
Q 8	Identify a 'disconnect' between the Constitution’s transformative aspirations and the conservative character.	5	CO2
Q 9	“The Court’s approach is a disappointing entrenchment of socio-economic rights”, Discuss.	5	CO1
SECTION-C (2Qx10M=20 Marks)			
Q 10	Explain the post-liberal constitutions and ethics of transformation discussed by Kal Klare and Upendra Baxi	10	CO3
Q 11	How do you connect constituent assembly debate as part of transformative constitutionalism? Shri Alladi Krishnaswami Ayyar in supporting the motion of the adoption of the Constitution stated that the ‘federal ideas themselves are undergoing a transformation in the modern world’. What did he really forecast and envisage through this statement?	10	CO4

SECTION-D
(2Qx25M=50 Marks)

Q 12	<p>a. <i>How do you place the post-liberal constitutions within an 'ethics of transformation' marked by the idea of a 'constitutional insurgency'? What are the legacies of injustice that the Indian constitution sought to repudiate and transform? Discuss the relation between technological self-determination and transformative constitution.</i></p> <p>b. <i>Explain how we prove that the Indian Constitution is transformative in a deeper level with the help of PUDR and Sareetha decisions. What did it seek to transform?</i></p>	25	CO3
Q 13	<p>The following statements may prove that the constitution-making in India was not transformative or revolutionary in nature but rather simply recognizing the transition of power (Otherwise the below arguments and narratives deny any transformative character of the Indian Constitution). You are expected to negate each of them with counterarguments.</p> <p>a. <i>Indian nationalism and freedom movement was itself a derivative discourse (actively repressed popular movements: including agrarian and labour struggles)</i></p> <p>b. <i>The very structure and formation of constitutional assembly could be proved insupportable because of the following reasons i) Cabinet Mission Plan, ii) Limited suffrage and iii) Borrowed heavily from the 1935 Act.</i></p> <p>c. <i>They continued with colonial legal, political and administrative institutions.</i></p> <p>d. <i>Mirroring colonial institutions rather than seeking to abolish or transform them.</i></p> <p>e. <i>The system of government that the constitution set up was neither new nor revolutionary (degree of improvement in responsible and limited government), the culmination of an incremental and inevitable process.</i></p> <p>f. <i>The freedom of individuals was of secondary importance to the framers of the constitution since they gave more emphasis on National Integration, Security, Alleviation of economic and social ills and India's International standing.</i></p> <p>g. <i>The absence of transformative characteristics might be very much visible when Mr. BN Rau stated that the 'Moment of independence of transference of power'.</i></p>	25	CO4