

Name:	 UPES UNIVERSITY WITH A PURPOSE
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2019

Course: Jurisprudential Approach to Constitution

Semester: VII

Program: B. A. LL.B. (Hons.) Spez.Consti.

Time: 03 hrs.

Course Code:

Max. Marks: 100

Instructions: All questions are compulsory

SECTION A

S. No.	Question	Marks	CO
Q 1	Write the significance of jurisprudential approach to Constitutional law.	2	1
Q 2	Which jurist said that our Constitution is not liberal but post liberal and why?	2	6
Q 3	Write the words added in the preamble of the constitution by the 42 nd constitutional amendment and briefly define these terms.	2	2
Q 4	Cite the case in which it was held that preamble is a key to open the mind of the Constitution makers and why?	2	4
Q 5	To which school of Jurisprudence does HLA Hart belongs to and name the basic theory he propounded?	2	1

SECTION B

Q 6	Write jurisprudential analysis on Amartya sen's idea of justice.	5	3
Q 7	Write a short note on the impact of feminist jurisprudence on Constitutional interpretation.	5	5
Q 8	Write a short note on Chanakya's political thought and its relevancy.	5	2
Q 9	Write a short note on Justice Krishna Iyer's major contribution to Constitution.	5	1

SECTION-C

Q 10	Critically analyze the constitutional discourse towards gender justice in India.	10	3
Q 11	Whether John Austin's approach of law is reflected in Indian Constitution? Give justification for your answer.	10	4

SECTION-D

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.

Q 13 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.

20 Marks CO 5

Q 14 'Constitutional text is merely fragment, only judges can convert this text into a final product' - Critically evaluate this statement of Upendra Baxi.

15 Marks CO 3

Q 15 'Judges are merely dictators, not creators of law' - Analyze this statement with different jurisprudential approaches.

15 Marks CO 2