

School of Law

**Master of Law
Semester End Examination - Jun 2024**

**Duration : 180 Minutes
Max Marks : 100**

Sem II - J1PG202T - Comparative Constitutional LawGeneral Instructions

Answer to the specific question asked

Draw neat, labelled diagrams wherever necessary

Approved data hand books are allowed subject to verification by the Invigilator

- 1) Discuss the influence of the Kesavananda Bharati case on the development of judicial review in India. How does this case compare to Marbury v. Madison in the United States? K2(6)
- 2) Discuss the role of the judiciary in interpreting the written constitutions of the USA, Canada, and Australia. Provide examples of landmark cases that have significantly impacted constitutional law in each country. K2(6)
- 3) Discuss the role of Comparative Constitutional Law in understanding federalism across different constitutional patterns. K3(6)
- 4) Analyze how each country's constitutional framework and institutional arrangements contribute to federal balance and regional autonomy. K3(6)
- 5) Analyze the scope and necessity of conducting a comparative study of constitutional law during the process of constitution-making. Discuss the benefits and potential challenges of such a study, and provide examples of how comparative analysis has influenced the constitution-making processes in different countries, including India. K5(10)

OR

Discuss the importance of electoral accountability in representative government and the role of cabinet responsibility in ensuring responsible government, using examples from parliamentary democracies. K5(10)

Answer any two from 6,7 and 8.

- 6) Analyze how each constitution structures the separation of powers, federalism, and the protection of individual rights. Evaluate the role of judicial interpretation in shaping constitutional law in these countries, providing specific examples of landmark cases. K5(15)
- 7) Discuss the various sources from which comparative constitutionalists derive their insights, including written K5(15)

constitutions, judicial decisions, scholarly works, and international legal instruments. Finally, assess how philosophical perspectives, such as legal positivism or natural law theory, and sociological factors, such as power dynamics and social norms, influence the interpretation and application of comparative constitutional principles.

- 8) Examine the tension between group rights and national security concerns in the context of constitutional law. Discuss the challenges of balancing the protection of group rights, such as cultural or religious rights, with the imperative of ensuring national security. Analyze landmark court cases or legislative measures that illustrate the complexities of this issue and the approaches taken to resolve them. Finally, assess the effectiveness of these approaches in safeguarding both group rights and national security, and propose potential strategies for achieving a harmonious balance between these competing interests. K5(15)

Answer any two from 9,10 and 11.

- 9) “No person shall be deprived of his life or personal liberty except according to the procedure established by law”. Discuss with reference to decided cases. What do you mean by Secular State? Mention how secular character of the State is maintained under the provisions of the constitution and refer to judicial decisions. K6(18)
- 10) “Due Process of Law has much wider significance, but it is not explicitly mentioned in the Indian Constitution. The due process doctrine is followed in the United States of America, and Indian constitutional framers purposefully left that out. But in most of the recent judgments of the Supreme Court, the due process aspect is coming into the picture again.” In the light of this discuss the merits and demerits of these two terms in the backdrop of Constituent Assembly Debate referring case law. K6(18)
- 11) Collective Responsibility is a fundamental convention of the British constitution whereby the government is collectively accountable to parliament for its action decision and policy in India; also this doctrine plays a crucial role in safeguarding parliamentary documents. Elucidate Lok Sabha and the us house of representatives are both lower houses in their respective parliament but lok sabha appears more powerful than its us counterpart justify your answer with special reference to this law making process in the respective countries K6(18)