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19 (3-II) CPCN 2-5 (H)

2016

COMPARATIVE CONSTITUTION

(Constitutional Law Group)

(Honours)

Paper : 2.5

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

1. Fill in the gaps / Choose true or false : 1×10=10
- (a) There are originally _____ Articles in the Constitution of USA. (7/19/30)
- (b) There is provision of _____ citizenship in USA. (Single/Dual)
- (c) Senate is the _____ House in the USA. (Upper/Lower)

Contd.

- (d) The amendment procedure of the Constitution of India is a _____ of rigidity and flexibility.
(Combination/Separation)
- (e) *Audi alteram partem* is one of the principles of _____.
(rule of law/natural justice)
- (f) Judicial review is one of the basic features of the Constitution of India.
(True / False)
- (g) The guarantee of the fundamental rights of the British people is secured to them through rule of law.
(True / False)
- (h) The legislature of the USA is known as _____.
(Parliament/Congress)
- (i) Article 131 of the Constitution of India provides for the _____ jurisdiction of the Supreme Court of India.
(Original/Appellate)
- (j) All judges of the Supreme Court of the USA are appointed by the President with the advice and consent of the _____.
(Chief Justice/Senate)

2. Write the meanings of the following:
2×5=10

- (a) Separation of powers
(b) Amendments of the Constitution
(c) Equality before law
(d) Natural Justice
(e) Judicial Activism.

3. Do you agree that the position of separation of powers under the Constitution of India is midway between those under the US Constitution and the Constitution of the U.K? Give reasons. 12

Or

Discuss the salient features which are common to the Constitution of the UK and the Constitution of India. 12

4. What is the Constitutional significance of Trade, Commerce and Intercourse in a federal Constitution? Make a comparative study of the provisions of Trade, Commerce and intercourse under the Constitution of India and the US Constitution. 4+8=12

Or

"The Indian Judicial system has the advantage of simplicity over its American counterpart" — Make a comparative study of the judicial systems of India and the USA in the light of the above observation. 12

5. Examine the applicability of the principle of natural justice under the Constitutions of USA and India. 12

Or

Write notes on :

- (a) Post-decisional hearing
(b) Exclusion of rules of natural justice. 6+6=12

6. "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 in the context of the Constitutions of the USA and India. 12

Or

Make a comparative study on the jurisdictions of the Supreme Court of India and Supreme Court of USA. 12

7. Define Rule of law. Explain the principle of rule of law under the Constitutions of the UK and India. 12

Or

Write notes on :

- (a) Dicey's concept of Rule of law
(b) Pitfalls of Dicey's concept of Rule of law. 6+6=12