

Total number of printed pages-4

19/21 (Sem-4) CMCN

2015

COMPARATIVE CONSTITUTION

Paper : 4-5

Full Marks : 80

Time : Three hours

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

1. (a) Fill in the blanks with appropriate answer given in brackets : 1×10=10
 - (i) The term "Socialist" has been inserted in the Preamble by the Constitution _____ Amendment Act 1976. (42nd / 44th)
 - (ii) In _____ Parliament is sovereign and there is no written Constitution. (England / USA)
 - (iii) Parliament under Article 302 of the Indian Constitution can impose reasonable restrictions in the freedom of trade commerce in _____. (public interest / in the security of the state)

Contd.

- (iv) It was held in _____ that the concept of the rule of law would lose its validity if the instrumentalities of the state are not charged with the duty of discharging their function in a fair and just manner (A.K. Kraipak-Vs-Union of India / Maneka Gandhi-Vs-Union of India)
- (v) Independence of judiciary is a basic feature of the Constitution and any attempt to curtail it by an amendment of the Constitution is _____. (valid / invalid)
- (vi) In _____ amendment of the Constitution may be proposed only by Congress, with the approval of the two third majority of both houses. (USA / India)
- (vii) There are _____ principles of Natural justice. (two / three)
- (viii) The framers of Indian Constitution adopted Parliamentary form of govt. from _____. (USA / England)
- (ix) Rule of law is one of the _____ feature of our Constitution and cannot be taken away by an amendment. (normal / basic)

- (x) Judicial Review in India bears resemblance to that available in the _____. (USA / England)

(b) Answer the following : 2x5

- (i) Parliamentary Sovereignty
 (ii) Method of Amendment under the Constitution of U.K.
 (iii) Concept of Equality
 (iv) Rule of law
 (v) Judicial Review.

2. What do you understand by the Philosophy of the Constitution? Explain the philosophy of the Constitution of India with reference to contents of the Constitution. What is the importance of the philosophy in Constitutional Law? 12

Or

Write a comparative note on the basic feature of the Constitution of U.K. and USA. 12

3. Discuss the method of Amendment under the Constitution of India and USA. 12

Or

Discuss the composition and jurisdiction of USA Judicial System and Indian Judicial System. 12

4. What do you mean by Rule of law? Discuss the various exceptions to the rule of law.

12

Or

Analyse the importance of rule of law under the notion of modern Constitutionalism. Compare the functioning of rule of law in the Constitution of UK, USA and India.

12

5. What is natural justice? Explain the different principles of natural justice.

12

Or

What do you mean by natural justice? Explain the implication of natural justice in Article 14 of the Indian Constitution.

12

6. Write an exhaustive note on Judicial Review as the backbone of Federal Constitution of the USA and Republic of India with the help of decided cases.

12

Or

Write note on Parliamentary Sovereignty versus Judicial Review.

12