

Total number of printed pages-4

14 (LLM-3) 3013

2023

**COMPARATIVE CONSTITUTIONAL  
LAW-I**

Paper : 3013

Full Marks : 80

Time : Three hours

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

1. Discuss the salient features of the Constitution of USA and India. Highlight the differences between the two Constitutions. 8+8=16

**OR**

Answer part (b) and **any two** from the rest :

6+5×2=16

- (a) "Ambedkar called India's federation a union". Make a comparative analysis of India's federal structure with that of USA. 5

- (b) Write on the origin of federalism in USA and India. 6

*Contd.*

(c) Write on the types of citizenship in USA and India. 5

(d) The Constitution of India has elaborate Preamble unlike the Constitution of USA or Canada. Elucidate with a comparative analysis. 5

2. "Within a federal framework, the Indian Constitution provides for a good deal of centralisation."

In the above context—

(a) discuss the conceptual position and the elements that constitute the essence of India's federalism; 5

(b) make a judicial assessment of Indian federalism citing relevant case laws; 6

(c) state whether the Indian Constitution can be classed as 'federal'. 5

**OR**

Compare and contrast legislative powers of the Constitution of India and USA. 16

3. "Rule of Law does not mean rule according to statutory law pure and simple, because such a law may itself be harsh, inequitable, discriminatory or unjust."

What does Rule of Law (RoL) connote? Discuss the significant deviations from RoL in the Indian Constitution. Describe how has the SC invoked this phrase again and again in its pronouncements. 6+5+5=16

**OR**

Write short notes on the following :

(i) Distinguish Higher Law from Rule of Law

(ii) International expansion of the Dicean concept of Rule of Law

(iii) Rule of Law is a basic feature of Indian Constitution

4. "The Concentration of Legislative, executive and judicial power in the same hands is precisely the definition of despotic government." —Jefferson.

In the above context make an analysis of the doctrine of Separation of Powers (SoP) in practice in USA and India. Elaborate that this doctrine has not been accepted in India in its strict sense. 10+6=16

**OR**

Explain the doctrine of Separation of Powers (SoP). Do you think classification of functions as legislative, executive and judicial is relevant today. 10+6=16

5. (a) Discuss how would the Freedom of Trade, Commerce and Inter-course prevent the growth of sectional and local interests which obstructs the interests of the nation as a whole. 5

(b) Discuss regulatory and compensatory tax with case laws. 3+3=6

(c) The motivation and aspirations of the framers of the Constitution in drafting Article 301-305. 5

**OR**

Discuss the commerce clause of the US Constitution. Discuss the position of Trade, Commerce and Intercourse in USA, Australia and Canada. 6+10=16

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