

Total number of printed pages-4

14 (LLM-3) 3014

2023

COMPARATIVE CONSTITUTIONAL LAW-II

Paper : 3014

Full Marks : 80

Time : Three hours

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

1. The doctrine of judicial review of the United States of America was the pioneer of judicial review in other Constitutions of the world, which further evolved after the 18th century, while the Indian Constitution was also greatly inspired, as in India, the concept of judicial review was founded on the principle of Rule of Law.

In the light of the above, attempt a comparative evaluation of judicial review in USA and India.

16

Contd.

OR

Critically discuss the origin and history of the doctrine of judicial review in USA and UK in the light of judicial precedents.

2. Discuss the legislative powers of the Presidents of India and USA and state how the power of veto is exercised by the Presidents of the respective countries.
10+6=16

OR

Write short notes on the following :
8+8=16

- (i) Diplomatic powers of the Presidents of USA and India
(ii) Pardoning powers of the Presidents of India and USA
3. Explain in detail the process of amendment in the Constitution of India, USA and UK with the help of decided cases. 16

OR

Write explanatory notes on : 8+8=16

- (i) Doctrine of basic structure theory
(ii) Constitution as a living document

4. The drafters of the US Constitution believed that an independent judiciary was essential in safeguarding the rights of the people from the excesses of the legislative branch. In the light of the above, discuss the impact of court structure on the US Supreme Court. Also, explain how the Constitution of India seeks to ensure the independence of the Supreme Court judges in various ways.
8+8=16

OR

Explain briefly : 8+8=16

- (i) Original jurisdiction of the Supreme Court of USA and India
(ii) Power of the Court to do complete justice
5. 'Collective responsibility' is a fundamental convention of the British Constitution, whereby the government is collectively accountable to Parliament for its actions, decisions and policies. In India also, this doctrine plays a crucial role in safeguarding parliamentary democracy. Elucidate. 16

OR

Lok Sabha and the US House of Representatives are both lower houses in their respective Parliaments, but Lok Sabha appears more powerful than its US counterpart.

Justify your answer with special reference to the law making process in the respective countries.