

Total number of printed pages-5

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

“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

Total number of printed pages-4

19 (3-II) CCLW

2015

COMPARATIVE CONSTITUTIONAL LAW

Paper : 2·5

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate answer :
10×1=10
 - (A) The Constitution of _____ is unwritten Constitution. (UK/USA)
 - (B) The British Constitution is largely based on _____.
(convention / judicial decision)
 - (C) The basic structure of the Constitution of India can be amended. (true / false)
 - (D) The Constitution of USA is _____.
(rigid / flexible)

Contd.

(E) Rule of law was originated by _____.
(Dicey / Edward Coke)

(F) Rule of law is a basic feature of the Constitution of India. (true / false)

(G) The principle of natural justice is not incorporated in our Constitution.
(true / false)

(H) *Audi alterum partem* means hear the other.
(true / false)

(I) The Judicial Review is incorporated by the Constitution of _____. (U.K/U.S.A)

(J) In a _____system of government, the power of judicial review is an indispensable element.
(federal / unitary)

2. Answer the following: $5 \times 2 = 10$

(A) What is doctrine of separation of power?

(B) Discuss about the composition of Supreme Court of India.

(C) What is rule of law?

(D) What do you mean by natural justice?

(E) What is judicial activism?

3. Explain about the salient features of the Constitution of U.K and India. $6+6=12$

Or

Discuss about the doctrine of separation of power under the Constitution of USA, UK and India. 12

4. Discuss about the various methods of amendment of Indian Constitution. Whether there is any restrictions to amend the Indian Constitution? $8+4=12$

Or

Discuss about the provision of trade, commerce and intercourse under the Constitution of India. Also mention the restrictions on it. $8+4=12$

5. Discuss about the rule of law as laid down in our Constitution. Also mention the exception to the rule of law. $7+5=12$

Or

Explain about the rule of law under the Constitution of U.S.A, UK and India. 12

6. What is natural justice? Give the *two* principles of natural justice. Also mention about the implication of natural justice under the Constitution of India.

2+5+5=12

Or

Discuss about the application of natural justice under the Constitution of U.K., U.S.A and India. 12

7. Discuss about the judicial review under the Constitution of India. 12

Or

Make a comparative study on the judicial review of USA and India. 12