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19 (II) CPCN 2.5 (H₂)

2017

COMPARATIVE CONSTITUTION

(Hons. 2)

(Constitution Law Group)

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 : 1×10=10
- (i) A law or an executive order repugnant to the Constitution in United States of America can be declared unconstitutional and invalid by the _____ . (Senate / Supreme Court)
- (ii) The written part of the British Constitution is _____ than the unwritten one. (more / less)

Contd.

- (iii) House of Lords is the Upper House of the Parliament of _____. (UK / USA)
- (iv) The amendment procedure of the Constitution of England is _____. (rigid / flexible)
- (v) _____ is the custodian of the rights of the citizens. (Executive / Judiciary)
- (vi) _____ is a basic feature of the Constitution of India. (Rule of law / Citizenship)
- (vii) The guarantee of the Fundamental Rights of British people is secured to them through _____. (Rule of law / Separation of powers)
- (viii) _____ is a Republic. (UK / USA)
- (ix) Judicial Review owes its origin to the famous case of _____. (Ashby vs White / Marbury vs Madison)
- (x) Every amendment in the USA must be ratified by _____ of the states. (two-third / three-fourth)

2. Write short notes on the following :

2×5=10

- (i) *Audi alteram partem*
- (ii) Rule of law

- (iii) Basic features of the Constitution of India
- (iv) Impeachment of the Judges of Supreme Court of India
- (v) Judicial Review.

3. Discuss the salient features of the Constitution of USA which are different from the Constitution of India. 12

Or

Compare the doctrine of separation of powers applicable under the Constitution of India and the Constitution of USA.

12

4. Narrate the method of amendment of the Constitution of India. Mention how is it different from the method of amendment of the Constitution of USA. 8+4=12

Or

Discuss the provisions on Trade, Commerce and Intercourse in the Constitution of India. Evaluate the importance of the commerce clause of the Constitution of USA.

8+4=12

5. Define Natural Justice. Assess the applicability of the principles of natural justice under the Constitution of UK and USA. 3+9=12

Or

Discuss the *two* principles of Natural Justice. Write on the implication of natural justice under the Constitution of India. 6+6=12

6. Write an exhaustive note on Judicial review as the backbone of the Constitutions of USA and India with the help of decided cases. 12

Or

Write an explanatory note on Parliamentary Sovereignty *versus* Judicial Review. 12

7. Examine the application of the doctrine of Rule of Law in USA and UK. 12

Or

Discuss the principle of Rule of Law as laid down in the Constitution of India. 12