

SCHOOL OF LAW
HAMDARD INSTITUTE OF LEGAL STUDIES & RESEARCH (HILSR)
JAMIA HAMDARD, NEW DELHI
Comparative Constitutional Law, (LL.M (C)-202) May-2025
SET-A

Time : 10:00 AM to 01:00 PM

Date: 09/05/2025

Maximum Marks-60

Instructions

- I. Write your Roll Number on the top immediately on receipt of this question paper.
- II. Attempt five questions selecting one from each Unit. All questions carry equal marks.

Unit -I (12 marks)

1. Analyze how historical context shaped the constitutions of India and the US, focusing on their respective influences from British colonial rule and the American Revolution. Discuss how these histories impact modern constitutional principles like federalism and judicial review.

Or

2. Analyze the tension between universalist and particularist approaches in comparative constitutional law. How do these approaches influence the interpretation of constitutional rights in diverse jurisdictions?

Unit-II (12 marks)

3. Compare the parliamentary and presidential systems in terms of executive-legislative relations, using India and the USA as examples. Analyze how the fusion of powers in India and strict separation in the USA impact governance stability and accountability. Which system better balances executive efficiency and democratic oversight, and why?

Or

4. Analyze the mechanisms for executive accountability in parliamentary (e.g., India, UK) and presidential (e.g., USA) systems, focusing on vote of no confidence and

impeachment. Evaluate which system provides more effective checks on executive power, considering risks like political instability or authoritarian tendencies.

Unit- III (12 marks)

5. Analyse the relevance of Montesquieu's theory of separation of powers in contemporary constitutional systems. How have modern adaptations altered its original intent.

Or

6. Evaluate the impact of guarantor institutions in reinforcing the separation of powers. How do these institutions balance competing interests in pluralistic societies?

Unit -IV (12 marks)

7. Analyze the tension between judicial activism and restraint in the context of constitutional courts. How do different models of judicial review address this tension?

Or

8. Evaluate the impact of judicialisation of politics on democratic governance. How can constitutional design mitigate the risks of overreach by constitutional courts?

Unit-V (12 marks)

9. Critically examine the role of informal constitutional change in the United Kingdom and India, and assess its impact on democratic legitimacy.

Or

10. Compare the formal amendment processes of the United States and India, and assess how these processes influence the reliance on informal mechanisms like judicial interpretation.
