

Ph.D-C2-C-104

Roll No.....

**HAMDARD INSTITUTE OF LEGAL STUDIES & RESEARCH
SCHOOL OF LAW**

JAMIA HAMDARD, NEW DELHI - 110062

Ph.D (Law) Coursework Examination

May/June 2024

Constitutional Interpretation

Time: 3 Hours

Maximum Marks: 75

Write your Roll No. on the top immediately on receipt of this question paper. Attempt five questions selecting one from each unit. Each question carries fifteen marks.

UNIT-I

Q1. Write an essay reflecting on Martin Loughlin's 2018 paper 'The silences of Constitutions'. (15)

Q2. 'Over a period of time, different theories/methods have been followed by the Indian Supreme Court in the interpretation of the Constitution.' Discuss. (15)

UNIT-II

Q3. 'Lately, courts are relying on constitutional history as an aid to interpret the Constitution. India is no exception to this.' Discuss with the help of the cases in which the Indian Supreme Court has invoked constitutional history as a tool for constitutional interpretation. (15)

Q4. Discuss the limitations of originalist approach of interpretation with special reference to the judgement of the Indian Supreme Court in Justice K S Puttaswamy (Retd.) v. Union of India (2017) 10 SCC 1. (15)

UNIT-III

Q5. Critically discuss the Indian Supreme Court's initial engagements with the inter-relationship of constitutional provisions. Refer to case laws. (15)

Q6. Write a critical essay specifically reflecting on the inter-relationship of constitutional provisions with a focus on the Delhi power tussle case. (15)

UNIT-IV

Q7. From property rights to democratic rights to individual rights, the Basic Structure Doctrine has seen an interesting rise in constitutional interpretation. Discuss in light of the case laws. (15)

Q8. 'Constitutional morality has lately become a category in itself within which the courts test legislation and executive actions. important in constitutional adjudication.' Comment.(12)

UNIT-V

Q9. 'The Indian Supreme Court has been consistently inconsistent with its own precedents.' Drawing from a recent judgement of the court, critically analyse the statement. (15)

Q10. Discuss the Indian judiciary's tryst with foreign judgements. (15)