

HAMDARD INSTITUTE OF LEGAL STUDIES & RESEARCH
SCHOOL OF LAW
JAMIA HAMDARD, NEW DELHI - 110062
LLM 2nd Semester July 2024
Comparative Constitutional Law

Time: 3 Hours**Maximum Marks: 60**

*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 **twelve** marks.*

UNIT-I

Q1. Comparative constitutional studies as a discipline has, by and large, remained confined to the study of Global North (west, broadly), further marginalising the southern jurisdictions. Comment. (12)

Q2. Indian Supreme Court has generally been cosmopolitan in its approach showing willingness to engage with constitutional law jurisprudence in foreign jurisdictions. Critically elaborate upon this statement. (12)

UNIT-II

Q3. Of late, states following parliamentarianism tend to move closer to the presidential model, resulting in the decline of constitutionalism. Discuss. (12)

Q4. Populist politics world over has led to 'authoritarian legalism'. Write an essay on the rise of the executive and the specter of political and economic violence. (12)

UNIT-III

Q5. Montesquieu's underlying premise for innovating a 'separation of powers' doctrine was the emphasis he laid on the protection and enjoyment of individual liberty as a major social and political good. In this light, discuss how the separation of 'functions' in different branches of a government work as a check against the government's tyrannical exercise of authority. (12)

Q6. Critically discuss the recent scholarship on the rise of guarantor institutions in the Global South. (12)

UNIT-IV

Q7. Write a reflective essay on Jeremy Waldron's influential Yale Law Review paper 'The core of the case against judicial review'. (12)

Q8. Many commentators have argued that the Indian Supreme Court has lately become more executive minded than the executive. Do you agree? (12)

UNIT-V

Q9. The Indian Constitution hinges on a fine balance of entrenchment and constitutional change. Comment. (12)

Q10. Discuss the recent scholarship on the theory of constitutional unamendability. (12) 2