

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination – Nov, 2024

Semester: LLM I Semester (Compulsory)

Subject: Comparative Public Law

Time: Three Hours

Marks: 100

Instructions:

1. All questions carry equal marks.
2. Kindly answer any four out of six questions.

Q 1) Discuss and explain the key aspects of "Westminster Parliamentary Model" of government. Why has this model successfully migrated to various jurisdictions? Comment with the help of relevant examples.

(Marks 25)

Q 2) "Checks and Balances are the mechanisms which distribute power throughout a political system, preventing any one institution, preventing any one institution or individual from exercising total control. The words checks and balances are often used together, but can be thought of as referring to subtly different things. Checks are mechanisms which allow political institutions to limit one another's power, for example, by blocking, delaying or simply criticizing decisions. Balances meanwhile ensure that a wide variety of views and interests are represented in the democratic process. This includes structures like federalism or features of democratic functioning like the existence of multiple political parties." Explain with the help of relevant examples.

(Marks 25)

Q 3) "The rule of law is a defining feature of constitutional democracies. It prevents the abuse of state power, requires the law to be followed by all, and ensures that legal rights are fulfilled in practice. There is no one universally agreed definition of rule of law but its core concepts include legality, legal certainty, equality before the law, protection for fundamental rights, judicial independence and access to justice." Explain with the help of relevant examples.

(Marks 25)

Q 4) Write short notes on the following -

- a. Strong Form Judicial Review
- b. Weak Form Judicial Review

(Marks 12.5x2 = 25)

Q 5) "Comparative constitutional law not only develops a better understanding of other systems but it also enhances our capacity for self - reflection, i.e. develops a better understanding of one's own system. Further, it develops an understanding of best practices that are preferable." Comment with the help of examples.

(Marks 25)

Q 6) "Feminist Constitutionalism explores the relationship between constitutional law and feminism by examining, challenging, and redefining the very idea of constitutionalism from a feminist perspective. It is a normative and analytical project of rethinking constitutional law and theory, and provides a starting point to ask if a constitution can be feminist." Discuss with the help of relevant examples.

(Marks 25)