

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination – Nov - 2023

Semester: LLM I Semester (Compulsory)

Subject: Comparative Public Law

1 NOV 2023

Time: Three Hours

Marks: 100

*Instructions:*

1. All questions carry equal marks.
2. Kindly answer any four out of six questions.
3. Answers should be brief, with relevant examples.

Q 1) "In the Global South, independence struggles, especially in India, have come to acquire central importance as a matter of choice. Such movements across the Global South have not only faced an external enemy in the form of a colonial power but rather, at the same time, they have also fought internal enemies, of much bigger proportions, in the form of extreme poverty, socio-economic inequality, hierarchies of caste, race, gender and much more. A state that actively takes up the task of eradicating internal inequalities has been of primary consideration for the Constitution framers. In achieving this, the Constitution has also been the tool with which we the people have fought these internal enemies. When one considers, for example, the Directive Principles of the Constitution or the 'strivings' of the state, they include a fulsome engagement with matters of health, education, individual and communal safety, equality, and prosperity. This constitutionally enshrined vision of the future is what has often been seen as implying an activist and capacious state, responsible for creating conditions for the exercising of freedom."

Comment with the help of relevant examples.

(Marks 25)

Q 2) "Separation of powers should be understood as division of labour where each branch of government plays a distinct role in the constitutional scheme. Though the labour is divided, functions may be shared. Further, instead of compartmentalizing institutions into isolated bodies, it must be acknowledged that the actions of each branch take place in a complex interactive setting where the branches take account of, and coordinate with other branches in the joint enterprise of governing."

Explain with the help of relevant examples.

(Marks 25)

Q 3) Comparative constitutionalism is a discipline which investigates the fundamental values of various constitutions in order to identify universal constitutional values."

Discuss with the help of relevant examples.

(Marks 25)

Q 4) Write short notes on the following –

- a. Pluralistic Federalism.
- b. British Parliamentary Model of Government.

(Marks 12.5x2 = 25)

Q 5) “Weak constitutional judicial review exists where the court’s determination that a particular law is unconstitutional and invalid can be superseded or overridden by a subsequent legislative action (not a constitutional amendment) that reaffirms this law.”

Explain with the help of relevant examples.

(Marks 25)

Q 6) “The rule of law, correctly interpreted embraces both form and substance. In its central meaning, underlying the ideal of legality, law is fundamentally non – instrumental. Law provides the conditions in which each person’s freedom as independence can be secured: its primary task is to define individual domains of liberty, protected from coercive interference both by government authorities on the one hand, and other individuals and organizations on the other. The rule of law preserves the sovereignty of individual choice and action by allowing each person to pursue his own purposes, free from domination either by state officials or overbearing fellow citizens.”

Comment with the help of relevant examples

(Marks 25)

10 NOV 2023

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