

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination August-December, 2025

Semester: UG VII Semester

Subject: Comparative Constitutional Law & Judicial Process

(Constitutional Law Honours)

Time: Three Hours

Marks 100

Instructions:

1. Attempt any five questions. All questions carry equal marks.
2. No clarifications will be provided during the examination.

Q. 1). Critically examine how Indian constitutional interpretation, as a comparatively inflected form of living originalism, navigates the tension between constitutional nationalism—rooted in India's distinctive constitutional identity—and constitutional cosmopolitanism, which embraces transnational ideas of rights and justice. Does the Indian experience demonstrate that fidelity to the founding vision and openness to comparative influence can coexist within a single, evolving constitutional tradition?

(Marks 20)

Q.2). Examine the constitutional logic and democratic legitimacy of explicit unamendability. To what extent do unamendable clauses protect the foundational identity of a constitution, and when do they risk undermining constitutional evolution and democratic renewal? Illustrate your answer with comparative constitutional examples.

(Marks 20)

Q.3). Both the presidential and parliamentary systems claim to balance popular control and effective leadership. Examine whether either system provides a superior model for maintaining democratic values while ensuring efficient administration. Support your answer with examples.

(Marks 20)

Q.4) Both the Indian and South African Constitutions pursue transformative constitutionalism, yet employ different institutional mechanisms i.e. non-justiciable directive principles in India and justiciable socio-economic rights in South Africa. Critically analyse how each constitutional model balances ideological accommodation and judicial enforceability to sustain legitimacy. In your answer, discuss the idea of expressive accommodation of ideological dissenters and defence of the South African Constitutional Court's "reasonableness" approach.

(Marks 20)

Q.5) Using comparative judicial experiences of Canada, United Kingdom and India critically analyse how courts have negotiated the boundary between "recognition" and "enforcement" of constitutional conventions. By evaluating the modes of engagement by the courts with constitutional conventions and the roles for court when confronted with constitutional conventions, critically analyse to what extent these courts have assumed an "executor" role?

(Marks 20)

Q.6). By comparing the scope and limits of Judicial Review in India, USA and UK Critically examine how 'Responsive Judicial Review' addresses the twin challenges of democratic dysfunction and judicial overreach in India's Public Interest Litigation (PIL) jurisprudence. In your analysis, discuss whether responsiveness provides a principled way for the judiciary to counter legislative and executive inertia without succumbing to populism or institutional excess.

(Marks 20)