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NATIONAL LAW UNIVERSITY JODHPUR

End-Term Examination July-November 2023

Semester: UG VII Semester (Constitutional Law Honours)

Subject: Comparative Constitutional Law and Judicial Process

Time: Three Hours

Marks: 100

Instructions:

This question paper contains six questions. You must answer any five.

Q.1).

In what distinctive ways do the judgments of the Supreme Court in *AK Gopalan v State of Madras* (1950) and the Delhi High Court in *Naz Foundation v Government of NCT of Delhi* (2009) use self-understanding as a means to trace the Constitution's foundational intent while simultaneously using comparative literature to justify the respective conclusions.

(Marks 20)

Q.2).

In light of the judicial opposition towards the implementation of the National Judicial Appointments Commission for streamlining judicial appointments in India, can you propose a suitable alternative model for judicial appointments? Analyse the question in reference to pertinent models of judicial appointment followed in other democratic countries.

(Marks 20)

Q.3).

How did the 'Basic Structure doctrine,' as established in the case of *Keshavananda Bharati v State of Kerala* (1973), shape and resonate within the legal and constitutional systems of countries like Bangladesh, Pakistan, and Kenya?

(Marks 20)

Q.4).

Could it be asserted that encouraging public participation in the constitution-making process has the dual effect of promoting the establishment of an inclusive constitution while concurrently introducing obstacles to the constitution-making procedure? Substantiate your viewpoint with illustrations from Chile and Tunisia.

(Marks 20)

Q.5).

Do you think that in jurisdictions featuring a master-text Constitution, the role of Constitutional Conventions is primarily confined to addressing the gaps within the written Constitution? Provide substantiated arguments with examples from India, the United States of America, and Canada.

(Marks 20)



Q.6).

Given the growing propensity among contemporary constitutional framers to include “explicit unamendable provisions” in their Constitutions, what factors do you believe drive the framers to adopt such explicit unamendability rules? Provide relevant examples from various global constitutions to support your analysis.

(Marks 20)