

LL.M. 1st Semester Examination, 2018
CONSTITUTIONAL PRICIPLES & STRUCTURE

Paper : 103E (Gr. B)

Course ID : 12753

Time: 3 Hours

Full Marks: 80

The figures in the margin indicate full marks.

*Candidates are required to give their answers in their own words
as far as practicable.*

Answer any four questions.

1. “National sovereignty was perceived as the highest authority within the state and a prerequisite for granting equal status with other states in international relations. Today, state sovereignty is also subject to change. As a consequence of the need for global coordination in the increasingly interdependent world and the demands that the most important individual rights be protected globally, the number and competencies of international organizations are increasing, and international law is developing quickly.” — Elucidate. 20
2. “In the Keshavanand Bharati case our Supreme Court held that the power of amendment of the Constitution is not absolute and cannot be exercised so as to damage the basic structure of the Constitution, to destroy its essential features. The consequence is that Parliament is not supreme even when it exercises its constituent power of amendment and the last word rests with the Supreme Court.” Critically examine the above contention. 20
3. “The judiciary itself has no clear interest in undermining the present distribution of powers, and it is the institution that is most likely to enforce neutral principles.” In the context of above state whether you believe that federal judiciary is the best guardian of federalism. 20
4. “Rule of Law is not merely to safeguard and advance civil and political rights of the individual in a free society, but also to establish social, economic, educational and cultural conditions under which his legitimate aspirations and human dignity may be realized.” — Explain. 20
5. “Judiciary cannot be made accountable to any outside body, but only to itself.” Critically examine the above proposition. 20

6. Write short note on (*any two*):

10×2=20

- (i) Constitutionalism and democracy
 - (ii) “Due Process of Law’ and ‘Procedure established by Law’
 - (iii) Separation of Power
-