

Reg. No. :

Name :

Third Semester LL.M. Degree Examination, August 2019

Branch II – Constitutional Law

Paper VII – AMENDING PROCESS AND JUDICIAL REVIEW

Time : 3 Hours

Max. Marks : 75

Answer **all** questions. All questions carry equal marks.

1. (a) Critically examine the amending power of parliament in jurisdictions having written constitutions and discuss how far such powers are on par with democratic principles of governance.

OR

- (b) Compare legislative and amending powers and discuss the extent to which the judiciary can review legislative and amending powers.
2. (a) Discuss how the amending power under the Indian Constitution differs from Australian Constitution.

OR

- (b) Examine the scope and extend of judiciary in India and Switzerland to review the Constitutional amendments.
3. (a) When court can review the unconstitutional amendments? Discuss the grounds on which courts can review such amendments in India.

OR

- (b) Critically evaluate the basic structure doctrine and discuss its application in cases where there is *non- obstante clause*.

4. (a) Explain the constitutional validity of legislations incorporated in the ninth schedule with special reference to the decision in I.R Coelho v. State of T.N (2007) 2 SCC 1.

OR

- (b) Discuss the political background of the Constitution (Thirty Ninth Amendment) Act, 1975 and critically analyse the decision of Supreme Court in Indira Nehru Gandhi V. Raj Narain.
5. (a) Do you agree that Indian Constitution is a living Constitution? If not, what are the amendments you suggest for protecting and safeguarding the fundamental features of the Constitution?

OR

- (b) The donee of a limited power cannot by exercise of that power convert the limited power to unlimited power. Discuss in the light of Constitutional amendments in India.
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