

Reg. No. :

Name :

Third Semester LL.M. Degree Examination, May 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) “While we want our constitution to be as solid and permanent as we can there is no permanence in it.....”. Explain the scope of this observation made by Jawaharlal Nehru during the drafting of Article 368.

OR

- (b) Examine the scope of amendability of federal constitutions giving emphasis to the U.S. Constitution.
2. (a) Amending the constitution is a “Constituent Power” of the parliament which is a compendium of legislative, executive and judicial powers. Enunciate the philosophy behind it in the decision in Sankari Prasad V. Union of India (AIR 1951. S.C. 455)

OR

- (b) Explain and evaluate the constitutionalism behind amendability of fundamental rights as contained in the French and Canadian Constitutions.

3. (a) The doctrine of basic structure is a strong pedestal on which the entire constitution is securely placed. Analyse this doctrine as enshrined in Kesavananda Bharti V. state of Kerala (AIR 1973 S.C. 1461).

OR

- (b) The federal constitutions of U.S.A. and Canada are more rigid and firm as compared to the constitution of India. Explain.

4. (a) Our Constitution has achieved new horizons in the arena of fundamental rights and social Justice through various amendments striking a balance between individual rights and egalitarian concept. Examine this transition through those amendments and decided cases.

OR

- (b) Elaborately discuss the doctrine of judicial review in amending fundamental rights.

5. (a) Unlimited amending power will no doubt destroy the cherished aspirations contained in the sacred pages of our constitution. Critically evaluate this, giving reasons.

OR

- (b) Does the constitution of India need a drastic and basic overhauling? Explain giving reasons.