

Reg. No. :

Name :

Fourth Semester LL.M. Degree Examination, February 2025

Branch II — Constitutional Law

PAPER VII — AMENDING PROCESS AND JUDICIAL REVIEW

(2021 Admission Onwards)

Time : 3 Hours

Max. Marks : 60

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

1. (a) "Without an amending provision, the Constitution is not complete. Even if the Parliament wishes to change a comma or make some significant changes. let alone changes in the Fundamental Rights. very strenuous efforts will have to be made to change." Elaborate on the amenability of Indian Constitution touching upon the provisions and judicial precedents.

OR

- (b) As quoted in the judgment of the honourable Supreme Court in the Shankari Prasad Singh Deo vs union of India case, there is a very clear distinction between ordinary legislative power and power to amend the Constitution. This distinction is observed in America and the power to amend the Constitution is vested there also in a different body. Elaborate on the distinction between legislative and amending powers as enshrined in the Constitution of India.

2. (a) How amenable are the provisions of Part III of the Constitution of India? Touch upon the basic structure doctrine and landmark judicial precedents in this connection.

OR

- (b) Make a comparative study of the power of judicial review over the amending process in India. USA. Switzerland and Australia.

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3. (a) Elaborate on the substantive and procedural limitations to the power to amend the Constitution of India.

OR

- (b) Evaluate the basic structure doctrine and its applications in the context of amending the Constitution of India.
4. (a) "The mechanism for amending the provisions is generally complicated in a federal constitution. so that the provisions are not too often distorted. Nevertheless, our ancestors and framers of our constitution wanted undue rigidity to be avoided. At the same time they knew that it would be subject to repeated modifications if the Constitution were made flexible. Therefore, the Indian constitution took a middle route in avoiding both extremes. It is not too rigid to avoid major adjustments or too flexible to allow trivial alterations." Elaborate on the historical development and expansion of the Constitution of India through amendments.

OR

- (b) Critically examine the parliamentary powers related to amending the constitution of India. Throw light on these powers and its restrictions When it relates to the preamble and Part III of the Constitution.
5. (a) "Foundational amendments change the constitution paradigmatically all at once to facilitate democratic founding. Constructive amendments change the constitution incrementally to facilitate democratic transformation. Progressive amendments change the constitution incrementally to facilitate democratic service of deprived individuals. Finally, retrogressive amendments change the constitution incrementally to facilitate democratic erosion." Elaborate on the necessity and importance of constitutional amendments in a working democracy.

OR

- (b) Examine the need of a Constitutional Review Committee in reviewing and facilitating amendments to the Constitution as well as to examine the impacts of amendments on the society.

(5 × 12 = 60 Marks)