

Reg. No. : .....

Name : .....

**Fourth Semester LL.M. Degree Examination, April 2024**

**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) Discuss the interpretations of the Indian Supreme Court on the distinction between legislative power and amending power.

OR

- (b) Critically examine the role of constitutional amendments in India towards furthering constitutionalism and social justice.
2. (a) Compare and highlight the differences in the amending process in India and Australia. Discuss whether any part of the amending process in Australia can be borrowed into the Indian context.

OR

- (b) The concept of judicial review is often seen as a threat to doctrine of separation of powers. Comment.
3. (a) Evaluate the concept of judicial review in India and how far is it different from judicial review in the US.

OR

- (b) In the matter of application of the principle of basic structure, twin tests have to be satisfied, namely, the 'width test' and the test of 'identity'. Evaluate this in the light of observations in M. Nagaraj v. UOI.

P.T.O.

4. (a) Critically examine the decisions of the Indian Supreme Court regarding applicability of basic structure doctrine to ordinary legislations and not just to constitutional amendments.

OR

- (b) Write a note on the Constituent Assembly debates regarding amendment of the Constitution and its procedure. Do you think that the current interpretations of the Supreme Court of India is in tune with the Constituent Assembly debates regarding amendment of the Constitution? Justify your answer.

5. (a) Identify the instances where Indian judiciary has exercised its power of judicial review to counter Indian Parliament's attempts to reinstate its supremacy over the Indian Judiciary by making constitutional amendments.

OR

- (b) Assess the need of a Constitutional Review Committee/Commission in India by highlighting the advantages and disadvantages of its functioning in other jurisdictions.

(5 × 12 = 60 Marks)