

Reg. No. :

Name :

Second Semester LL.M. Degree Examination, June 2019

Constitutional Law

Paper – I : CONSTITUTIONAL PRINCIPLES

Time : 3 Hours

Max. Marks : 75

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

1. (a) "If a determinate human superior, not in the habit of obedience to a like superior, receives habitual obedience from the bulk of a given society, that determinate superior is sovereign in that society and the society, including the superior is the society political and independent. To that determinate superior, the other members of the society are dependent". Critically analyse Austin's theory of Sovereignty and explain how far his view may be relied on in the administration of modern State.

OR

- (b) Analyse the theoretical attributes of sovereignty and explain how far Indian Constitution has incorporated the concepts of indivisibility and illimitability.
2. (a) Narrate the political scenario in India when the Constitution was adopted and see how far the Indian Constitution guarantees the concept of limited government.

OR

- (b) What is Brandies Brief and critically evaluate the contribution of Indian judiciary in interpreting the doctrine of political question and explain how far political questions are judicially reviewable in India.

3. (a) State how the modern formulation of doctrine of separation of powers is different from the traditional concept and discuss the different mechanisms adopted by the modern constitutions to manage powers of legislature, executive and judiciary. Compare the Indian and American Constitutional position.

OR

- (b) Explain the notion of eminent domain and discuss in detail the constitutional and legal position in India.
4. (a) Do you agree that the power of judiciary to review the acts of legislature and executive is undemocratic and state your view with the support of decided cases?

OR

- (b) What is reasonable restriction and give an account of reasonable restrictions permitted under Art. 19 of the Indian Constitution.
5. (a) Are coalition governments in India serving the basic objectives of the Constitution? Discuss the issue in the light of arbitrary use of emergency powers under the Constitution.

OR

- (b) Give a brief account of the amendments proposed by the National Commission to Review the working of the Constitution (NCRWC).

(5 × 15 = 75 Marks)
