

**ONE YEAR LL.M. DEGREE FIRST SEMESTER EXAMINATIONS,
NOVEMBER, 2023**

Judicial Review and Constitutional Amendments

Time: 3 Hours

Maximum Marks: 50

Answer any 5 question (Each question carries 10 marks)

- I. Explore the dichotomy between constitutional stability and the imperative for change. Discuss how the Indian constitution tries to balance between the rigidity and flexibility within its framework.
- II. Discuss the evolution and scope of parliamentary sovereignty in India with respect to amending process. Trace the historical development of Article 368 and its implications on Constitutional Amendments.
- III. Analyse the significance and implications of major Constitutional amendments, particularly those that have had a substantial impact on the right to property. Examine the historical context and motivations behind these amendments.
- IV. Critically analyse the key aspects of Justice S. M. Sikri's judgment in the Kesavananda Bharati Case. Explore the constitutional principles, legal reasoning, and philosophical underpinnings that informed Justice Sikri's position on the basic structure doctrine.
- V. Examine the evolution of the judicial interpretation of the basic structure doctrine in the Indian constitutional context, with a specific emphasis on the widening concept of the basic structure. Analyse landmark cases in the post-Kesavananda Bharati period to understand how the judiciary has delineated and expanded the boundaries of basic features.
- VI. Examine the interplay between the Ninth Schedule, judicial review, and the concept of basic structure as a limitation on legislative power in the Indian constitutional framework. Assess the impact of key judgments, such as I.R. Coelho v. State of Tamil Nadu, on the scope of judicial review over laws included in the Ninth Schedule.
- VII. Explore the concept of implied limitations on constitutional amendments in the Indian context. Analyse the theoretical foundations and judicial interpretations that suggest certain inherent boundaries on the amending power.
- VIII. Discuss the points of departure between Justice Beg's views and the majority opinion in Kesavananda Bharati case, particularly regarding the scope of amending power.
