

ONE YEAR LL.M DEGREE SECOND SEMESTER EXAMINATIONS, JUNE 2019

JUDICIAL REVIEW AND CONSTITUTIONAL AMENDMENTS

Time: 3 Hours

Maximum 50 MARKS

Answer any FIVE questions. Each question carries 10 marks.

(5 x 10 = 50)

1. Elaborate on the Indian Parliament's power to amend the Constitution under Article 368 with limitations, if any.
2. The Supreme Court held that all such laws included in the Ninth Schedule after April 24, 1973 would be tested individually on the touchstone of violation of fundamental rights or the basic structure doctrine. Discuss in detail the history of ninth schedule of Indian Constitution in connection with powers of judicial review.
3. Examine in detail (critically if required) the widening horizons of basic structure of the Indian Constitution through judicial interpretations.
4. "According to the thesis of "implied limitations" of fundamental right, the only permissible legal limitations to human rights are those necessary for their existence as a whole. Fundamental rights are inherently limited from the outset, as, if they were not restricted, they could not exist together." Elaborate on the doctrine of implied limitations.
5. "As regards to Indian Constitution, it strikes a balance between the rigidity and flexibility when it comes to its amendability." Examine the rigidity and flexibility of Indian Constitution through an analysis of important amendments of the same and via judicial interpretations.
6. "Through the basic structure principle evolved in Kesavananda Bharati case, the Supreme Court changed the course of Constitutional history by denying the assertion of supremacy of Parliament in matter of amending the Constitution at solely on the basis of requisite voting strength, quite unmindful of the basic or fundamental rights of citizens". Discuss in detail about the basic structure doctrine and constitutionalism.
7. Examine in detail the various judicial interpretations of basic features of the Indian Constitution with special reference to powers of judicial review as a basic feature.
8. Elaborate on the importance of the basic structure doctrine as a limitation on the Parliament's legislative power in connection with powers conferred under Article 368 of the Indian Constitution.