

NATIONAL LAW UNIVERSITY, DELHI
LL.M. Degree Programme, I-Semester (Batch of 2019)
End-Semester Examination, December - 2019
Paper: Comparative Public Law

Time: 3:00 Hours

Total Marks: 50

Instructions:

1. Please answer **all** the following questions. **Questions 1 and 5 have two options.** Please answer only **one** of them in each.
2. Your answer to any question should not exceed **500 (FIVE HUNDRED) words** excluding punctuation marks.
3. All questions carry **10 marks** each.
4. No clarification shall be sought on the question paper.
5. Do not write anything on the question paper except your roll no.

Q.1 “Comparative Public Law is a newly energised field in the early 21st Century. Never before has the field had such a broad range of interdisciplinary interest”. Elaborate upon the above statement by citing examples.

Or

“Constitutional borrowing and transplantation of constitutional norms, structures, doctrines, and institutions is a fact of life regardless of ideological or theoretical objections to these practices”. Illustrate with suitable examples.

Q.2 “Only those things are to be designated as rights which are ‘supremely sacred’ to human life, things in absence of which life is not entirely human”. Critically examine this statement with appropriate examples. What has been the approach of Indian Supreme Court qua social rights? Substantiate your answer with suitable examples.

Q.3 “An adequate conception of citizenship, seems to require a balance of rights and responsibilities”. Examine and substantiate this statement by giving suitable examples.

Q.4 “If it is agreed that the Indian Constitution is based upon an initial exercise of constituent power by the Indian nation, the next question would seem to be: has the original constituent power been spent in the effort, or have the people retained it, to exercise it, if they wish to replace the existing Constitution by a new one?”. Explain and illustrate with suitable examples the above statement.

Q.5 Whether Carl Schmitt’s criterion of the political and his concept of the state as a political unity are correct? Support your arguments with the help of suitable examples.

Or

“The relationship between Law, State and Religion has been differently understood in India in contradistinction to the predominant concept of Secularism in the west”. Elaborate the above statement by engaging with Indian and at least one western society.