

LLM
FIRST SEMESTER
COMPARATIVE PUBLIC LAW
LLM-1.2

(Use separate answer scripts for Objective & Descriptive)

Duration : 3 hrs.

Full Marks : 70

[PART-A : Objective]

Time : 20 min.

Marks : 20

Choose the correct answer from the following:

1X20=20

1. What is the "rule of law"?
 - a. Everyone but the President must follow the law
 - b. Government does not have to follow the law
 - c. All laws must be the same in every state
 - d. Everyone must follow the law
2. What is the supreme law of the land?
 - a. The Articles of Confederation
 - b. The Constitution
 - c. The Emancipation Proclamation
 - d. The Declaration of Independence
3. What is the difference between private law and public law?
 - a. Private law refers to the relationship between individual citizens. Public law refers to the relationship between individual citizens and the state
 - b. Public law refers to the relationship between individual citizens. Private law refers to the relationship between individual citizens and the state
 - c. Private law relates to crimes committed inside the home. Public law relates to crimes committed in public places
 - d. Private law relates to court hearings conducted in private. Public law relates to court hearings conducted in public
4. Which of the following is the most accurate description of civil law?
 - a. Civil law is an aspect of public law
 - b. Civil law relates to controlling conduct or wrong-doing of which it disapproves
 - c. Civil law relates to the enforcement of particular forms of behaviour
 - d. Civil law is a form of private law and involves the relationships between individuals
5. Which of the following does not have a Federal system of Government?
 - a. India
 - b. USA
 - c. Russia
 - d. None of the above
6. Who has the power to make laws on the 'residuary' subjects?
 - a. Union Government
 - b. State Government
 - c. Supreme Court
 - d. None of the above
7. To make India a strong federation, we need:
 - a. Written constitution
 - b. Rigid constitution
 - c. Independent judiciary
 - d. All of the above
8. Subjects like computer software comes in the:
 - a. Union List
 - b. State List
 - c. Concurrent List
 - d. Residuary List

9. Which of the following statements are correct about judicial activism?
- | | |
|---------------------------------------------------------------|------------------------------------------------------------------------|
| a. It is the process of lawmaking by judges | b. It is the practice in the judiciary of protecting individual rights |
| c. Judges depart from strict adherence to judicial precedents | d. All of the above |
10. Who coined the term judicial activism?
- | | |
|---------------------------|------------------------------|
| a. Montesquieu | b. Justice V.R. Krishna Iyer |
| c. Arthur Schlesinger Jr. | d. None of the above |
11. Separation of Powers is best illustrated by the:
- | | |
|-------------------------|--------------------------|
| a. British Constitution | b. Indian Constitution |
| c. Swiss Constitution | d. American Constitution |
12. A.K. Kraipak vs Union of India is a landmark judgment in relation to:
- | | |
|-----------------|--------------------------|
| a. Bias | b. Delegated legislation |
| c. Corporations | d. Rule of law |
13. Who defined the functions and responsibilities of the Supreme Court?
- | | |
|---------------------------|-------------------|
| a. Law of the land | b. District Court |
| c. Supreme court tribunal | d. Constitution |
14. What makes the judiciary the guardian of the constitution?
- | | |
|--------------------|-----------------------|
| a. Judicial Review | b. Service Conditions |
| c. Independence | d. Salary |
15. Which of the following countries have the institution of Ombudsman?
- | | |
|------------|---------------------|
| a. Finland | b. Norway |
| c. Denmark | d. All of the above |
16. Which of the following have the French system of Administrative Courts?
- | | |
|------------|---------------------|
| a. Belgium | b. Greece |
| c. Turkey | d. All of the above |
17. Which legal system had been criticized by A.V. Dicey?
- | | |
|---------------|-------------|
| a. English | b. French |
| c. Australian | d. American |
18. The doctrine of Separation of Power was systematically propounded by:
- | | |
|-----------------------------------------------|---------------------------------------------|
| a. Montesquieu in his book The Spirit of Laws | b. Plato in his book The Social Contract |
| c. Aristotle in his book The Spirit of Laws | d. Montesquieu in his book The Constitution |
19. Which of the following is true?
- | | |
|-----------------------------------------------------------|----------------------------------------------------------|
| a. The legislative order has to be published | b. For Quasi-judicial decisions reasons may not be given |
| c. The duty to give reasons applies to legislative orders | d. The administrative powers cannot be sub delegated |
20. Which of the following is not held to be a quasi-judicial function?
- | | |
|---------------------------------------------------------------|----------------------------------------------|
| a. Determination of citizenship | b. Disciplinary proceedings against students |
| c. Determination of disqualification of members of parliament | d. An order of preventive detention |

(PART-B : Descriptive)

Time : 2 hrs. 40 min.

Marks : 50

[Answer question no.1 & any four (4) from the rest]

1. "Constitutionalism is primarily based on the notion of People's Sovereignty which is to be exercised in a limited manner by a representative Government". Discuss this with the help of Principles of Constitutionalism. Cite Supreme Court Case laws. 10
2. Describe "Federalism". Trace the changing nature of federalism and highlight the current trends in centre-state relations. 4+6=10
3. The functional overlap between the organs of Government undermines the Principle of Separation of Powers. Comment. 10
4. 'Every matter of Public Interest cannot be a matter of Public Interest Litigation'. Discuss. 10
5. Write short notes on: (any two) 5×2=10
 - a) Parliamentary Privileges
 - b) Judicial Review
 - c) Rule of Law
6. "Independence of the Judiciary" doesn't imply arbitrariness. It is only accountable to the Constitution, to the democratic traditions and to the People of the Country. Discuss this with the help of landmark case laws. 10
7. The jurisdiction of the Supreme Court under Article 142 supersedes the Executive and Legislature. Discuss. 10
8. Discuss the historical development and the role of Ombudsman as a grievance redressal agency. 6+4=10

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