

2013

L.L.M.

2nd SEMESTER EXAMINATION

JUDICIAL PROCESS

PAPER—LLM_201

Full Marks : 100

Time : 4 Hours

The figures in the right-hand margin indicate full marks.

Candidates are required to give their answers in their own words as far as practicable.

Illustrate the answers wherever necessary.

Answer any four questions.

- 1. In a traumatically changing society of judge who denies to himself judicial activism denies himself the role of a judge —**

Discuss the concept and scope of judicial activism in India with reference to the above statement.

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- 2. What is independence of judiciary? Discuss the controversy that arose over the appointment process of Supreme Court Judges after Kesavananda Bharati decision.**

(Turn Over)

Explain the impact of the controversy upon independence of judiciary with the help of decided case laws.

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3. What is the doctrine of Judicial Review? Explain the scope of judicial review with special reference to Parliament's power to amend the Constitution.

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4. In a democratic system, judicial process becomes an instrument of social ordering Every Society has to maintain an equilibrium and a balance of rights and duties.

Whenever there is a conflict of rights and interests, it is the role of the judiciary to restore the balance and maintain the social order.

In the light of the above statement discuss the role of judicial process as an instrument of social ordering.

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5. Discuss with the help of decided case laws the following principles of interpretation of enacted laws —

- (a) Literal or Grammatical Rule;
- (b) Golden Rule;
- (c) Mischief Rule;
- (d) Ejusdem Genesis;
- (e) Noscitur a Sociis.

5x5

6. "Precedent is in fact a legal source of law which the courts are bound to follow."

Comment on the above in the light of importance of precedent as source of law.

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7. The public interest litigation has developed some Cracks and at times of is also abused.

In the light of role of PIL during last twenty years. Examine, critically the contribution of PIL in India.

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8. "Justice delivery in India not purely a legal exercise, it has socio-economic and politico-cultural shades"—

In the light of above view and with the help of decided case laws, critically analyse the role of Supreme Court in justice delivery system.

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